

Reference:	20/01095/AMDT	
Application Type:	Minor Material Amendment	
Ward:	Victoria	
Proposal:	Application to vary conditions 02 (materials). 03 (hard and soft landscaping), 04 (landscape maintenance), 05 (telecoms equipment), 06 (extraction, filtration, air con, ventilation/refrigeration equipment) and 07 (car parking and cycle storage)-various site changes comprising of increases to car parking and cycle spaces, revisions to landscaping areas, new residents entrance, waiting area, concierge service, residents community/meeting room and gym – Minor Amendment of planning permission 06/00598/FUL allowed on Appeal dated 03.10.2007	
Address:	Beaumont Court and Richmond House, 61 - 71 Victoria Avenue, Southend-On-Sea	
Applicant:	Randall Watts	
Agent:	Steven Kearney of SKArchitects	
Consultation Expiry:	10th September 2020	
Expiry Date:	9th November 2020	
Case Officer:	Abbie Greenwood	
Plan Nos:	<p>06/00598/FUL Drawings to be replaced (submitted)</p> <p>CH/01/03 Sheet 1, CH/01/04 Sheet 2, , CH/01/04, CH/01/05 Sheet 3, CH/01/06 Sheet 4, CH01/06(materials), CH/01/08 Sheet 1, CH/01/11 Sheet 4, CH01/012, 22855-L-PL-90-00A, 22855-L-PL-90-01A, 22855-A-PL-SK-01, 22855-A-PL-SK-02, 22855-A-PL-SK-03, 22855-A-PL-SK-04, 22855-A-PL-SK-05, 22855-A-PL-05E-01A, 22855-A-PL-05E-02A, 22855-A-PL-05E-03A, 22855-A-PL-SK-06, 22855-A-PL-SK-07, 22855-A-PL-03P-003A, 22855-A-PL-05E-04, 279-03-15-214-00, 22855-A-PL-03P-000-Rev E1, 22855-A-PL-05E-01-Rev B, 22855-A-PL-70P-002 Rev A</p> <p>As built drawing (submitted but evolving)</p> <p>279-03-15-6201A</p> <p>Proposed final drawings (submitted)</p> <p>279-03-15-6084B, 279-03-15-6085E, 279-03-15-6103A, 279-03-15-6202A, 279-03-15-6203A, 279-03-15-6204A, 279-03-15-6205A, 279-03-15-6206A, 279-03-15-6207, 279-03-15-6088H</p>	

	<p>06/00598/FUL Drawings to remain unchanged (not submitted)</p> <p>22855-A-02-PL-001 Rev A, 22855-A-PL-03P-001-000 Rev A, 22855-A-PL-03P-002 Rev A, 22855-A-PL-03P-003 Rev A, 22855-A-PL-03P-004 Rev A, 22855-A-PL-03P-005 Rev A, 22855-A-PL-03P-006 Rev A, 22855-A-PL-03P-007 Rev A, 22855-A-PL-03P-008 Rev A, 22855-A-PL-03P-009 Rev A, 22855-A-PL-03P-010 Rev A</p> <p>Supporting Documents Proposed (submitted)</p> <ul style="list-style-type: none"> • Beaumont and Richmond Planning History • Management Strategy for Beaumont Court and Richmond House by IV Property Management Ltd • Travel Plan 2020 by N.R.W. Associates dated Jan 2020 • Beaumont and Richmond Waste Management Plan by B&R Property Management Ltd • Beaumont and Richmond Gardening Specification by IV Property Management Ltd
<p>Recommendation:</p>	<p>Delegate to the Interim Director for Planning and the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).</p>



1 Site and Surroundings

- 1.1 The site constitutes a corner plot which is located to the west of Victoria Avenue and south of Harcourt Avenue. It is irregular in shape and also has a frontage to Baxter Avenue to the rear. The site is currently being developed to convert the former office buildings to provide a mixed development. 280 self-contained flats were approved initially within the existing buildings and a further 15 flats have subsequently been approved through extensions and alterations on top of the buildings and through the conversion of the ground floor area of Richmond House which was initially proposed to have a retail use. This development is nearing completion.
- 1.2 The surrounding area is mixed with residential and commercial premises, with the Civic Centre located to the east of the site. However, a number of the previous, tall office buildings to the south of the site have also recently been converted into residential flats. There are smaller scaled residential houses and flats to the north and west of the site in Harcourt Avenue and Baxter Avenue.
- 1.3 The site has no specific allocation within the Development Management Proposals Map, however the site is located within an area fronting Victoria Avenue; one of the main approaches to the main town centre and is located close to the mainline Southend Victoria Railway Station. Within the Southend Central Area Action Plan (SCAAP), the site is allocated as an “opportunity site” (PA8.1) and includes the aspiration to transform the area into “a new a sustainable mixed use community with high quality developments”.

2 The Proposal

- 2.1 Planning permission was granted at appeal on 3rd October 2007 (Application No: 06/00598/FUL) to *‘Redevelop site with part 4/part 8/part10/part11/part12 storey buildings comprising 280 flats with commercial uses at ground floor, provide 166 car parking spaces, cycle storage for 288 cycles, amenity space, refuse storage and form access onto Harcourt Avenue and Baxter Avenue.’*
- 2.2 The current application is seeking to vary conditions 02 (materials). 03 (hard and soft landscaping), 04 (landscape maintenance), 05 (telecoms equipment), 06 (extraction, filtration, air con, ventilation/refrigeration equipment) and 07 (car parking and cycle storage)-of that permission. The amendments include a change to the number of car parking and cycle spaces, revisions to the layout and detail of landscaping, and a change to the community and communal facilities for the residents.

Conditions 02, 03,04,05,06,and 07 form the appeal decision state:

02 No development shall take place until details of the materials to be used on the construction of the external surfaces of the buildings hereby permitted, including the location of and materials for any balconies but excluding shopfronts, have been submitted to and approved in writing by the local planning authority. Details of any shopfront shall be submitted to and approved in writing by the local planning authority before being installed in the building. Development shall be carried out in accordance with the approved details.

03 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure, car park layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc). All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with any programme agreed with the local planning authority.

04 No development shall take place until a schedule of landscape maintenance for a minimum of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved details.

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking and re-enacting that Order with or without modification), no telecommunications equipment shall be installed above the highest part of the roof of either building.

06 No dust or fume or filtration equipment or air conditioning, ventilation or refrigeration equipment shall be installed until details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved in writing by the local planning authority. The equipment shall be installed in accordance with the approved details and thereafter retained as such.

07 Before occupation of any parts of the building the related servicing manoeuvring, car parking spaces and cycle storage facilities shall have been completed in accordance with the approved drawings. These facilities shall thereafter be kept available at all times for their designated purpose.

It is noted that no reasons for these conditions were imposed by the Inspector.

- 2.3 Since 2015 there have been a number of subsequent planning applications at the site which have granted consent for additions and alterations to the originally approved proposal. The full history is set out in Section 3 below but the main changes include a new lobby to Beaumont Court (ref 15/01147/NON), the conversion of the ground floor retail unit in Richmond House to residential units (ref 19/01868/FUL) and penthouse additions to both buildings (refs 20/00686/AMDT and 20/00672/FUL). The current application is seeking to regularise changes to the development which have been built that differ from the original 2006 application (ref 06/00598/FUL) and are not covered by the subsequent approvals. The differences between the consented schemes and that which has been built and for which planning permission is now sought are as follows:

- Changes to the ground floor internal layout of both buildings including the configuration of cycle storage, refuse storage, commercial areas and resident's facilities.
- Changes to the landscaping scheme around the buildings and on the roof terraces.

- Changes to the parking layout and related servicing and manoeuvring arrangements including an increase in parking spaces from 166 to 180 for the flats and 7 additional public car parking spaces in the public square, 2 of which are disabled spaces.
- Minor elevational changes comprising a number of additional/amended doors at ground floor.

2.4 These changes are discussed in more detail below.

2.5 The proposal is also seeking to vary the Section 106 agreement which accompanied the 2006 application. The original heads of terms were as follows:

1. Public Accessible Area – relating to the provision and detail of public square to the front of the site including maintaining access for the public, future maintenance responsibility
2. Victoria Avenue Works - including changes to the carriageway arrangement and a maintenance payment of £5,455 (index-linked) per year for 3 years, a contribution to bus stop improvements (£20,000 index-linked), a contribution to the Victoria Avenue underpass (£2,182 index-linked) and costs of the amendment of the traffic regulation order (£2,182 index-linked).
3. Public Art - lighting scheme to be provided
4. CCTV contribution
5. Residents Community Facilities - residents meeting room to be provided
6. Management Strategy for the site including car park management, refuse and outside areas
7. A Travel Plan for the site including a contribution to a Controlled Parking Zone (CPZ)
8. Affordable Housing – 84 units.

2.6 These were varied in 2015 under application reference 15/02019/S106BA and 15/02020/DOV to remove the requirement for a CCTV contribution, to remove the CPZ contribution and to revise the provision of affordable housing to 52 units (floors 1-7 Richmond House) and a monetary contribution of £474,776. An index linked sum of £520,610.00 was paid on 21.01.2020 in relation to affordable housing and 52 shared ownership units have been provided in Richmond House.

2.7 The current proposed Heads of terms are set out below:

1. Public Accessible Area – amended design as shown on drawings reference 279-03-15- 6202A and 279-03-15-6088H to be provided and permanently maintained.
2. Victoria Avenue Works - amended design as shown on drawings references 8715-04-CRH-XX-00-DR-C-4103-P1, 8715-04-CRH-XX-00-DR-C-4002 – P1 and 8715-04-CRH-XX-00-DR-C-4003 – P1 - noted as completed.
3. Public Art lighting scheme - amended design as shown on drawing reference 279-03-15-6088H to be permanently retained and maintained.
4. Residents Community Facility – amended facilities including communal lobby, meeting room and residents gym as shown on drawing reference 279-03-15-6202A to be permanently retained and maintained.
5. Management Strategy for the site including buildings, car park, refuse and outside areas including public access area to be agreed.
6. Travel Plan for the site to be agreed.

7. Affordable Housing – 52 shared ownership units on floors 1-7 of Richmond House as shown on drawings reference 279-03-15-4(15) F01 and 279-03-15-4(16) F01 to be provided and permanently maintained. The affordable housing contribution is to be noted as paid in full.

It is noted that a number of items in the original S106 have been amended or deleted to reflect the current circumstances of the site. These changes are discussed in detail in the Planning Obligations Section below.

3 Relevant Planning History

- 3.1 This site has an extensive planning history. This includes:
- 3.2 06/00598/FUL – Redevelop site with part 4/part 8/part10/part11/part12 storey buildings comprising 280 flats with commercial uses at ground floor, provide 166 car parking spaces, cycle storage for 288 cycles, amenity space, refuse storage and form access onto Harcourt Avenue and Baxter Avenue – planning permission refused, but allowed at appeal. This development is currently being undertaken.
- 3.3 10/01615/AD - Application for Approval of Details pursuant to condition 02 (details of external building materials excluding shopfronts), condition 03 (hard and soft landscaping details), condition 04 (schedule of landscape maintenance) of Planning Permission 06/00598/FUL approved on appeal dated 03/10/2007 – details approved
- 3.4 15/01147/NON - Replace plan numbers 22855-A-PL-03P-000 Rev D1, 22855--A-PL-03P-05E-01 Rev A, 22855-A-PL-05E-02 Rev A with new plan numbers 22855-A-PL-03P-000 Rev E1, 22855-A-PL-03P-05E-01 Rev B, 22855-A-PL-05E-02 Rev B and create no.2 new entrance canopies, add condition to specify approved plan numbers (Non-Material Amendments to planning permission 06/00598/FUL approved on appeal dated 3rd October 2007) – non-material amendment granted
- 3.5 15/02020/DOV - Modification of planning obligation (Section 106 agreement) dated 24th September 2007 pursuant to application 06/00598/FUL allowed on appeal to vary relevant clauses and definitions pertaining to the delivery of affordable housing on the site and the proposed Victoria Avenue Improvement Works– modification agreed.
- 3.6 15/02019/S106BA - Modification of planning obligation (Section 106 agreement) dated 24th September 2007 pursuant to application 06/00598/FUL allowed on appeal to vary the requirement to provide affordable housing on the site – modification agreed.
- 3.7 18/00245/FUL - Erect tenth floor extensions to create eight self-contained flats with roof terrace to front, side and rear, install terrace to front at eleventh floor level and form additional parking – planning permission granted
- 3.8 18/00482/FUL - Install communal boiler flue to west elevation and roof - planning permission granted
- 3.9 18/01241/FUL - Layout public space with six car parking spaces, public art, associated landscaping, benches and vehicular access on to Victoria Avenue – planning permission granted

- 3.10 19/01868/FUL - Change of use to ground floor commercial Units (Use Classes A1, A3, D1) to form six self-contained flats (Class C3), alterations to elevations and relocate exiting bike store'. – planning permission granted
- 3.11 19/00380/FUL - Change of use of roof storage (Class B8) to Office (Class B1(a)) and erect extension at roof level to form additional office space, alter elevations – planning permission granted
- 3.12 20/00686/AMDT - Application to vary condition 02 and remove condition 05, replace plan 491-01-18 P07A with 279-03-15-6102A, Alter landscaping (Minor Material Amendment of planning permission 18/00245/FUL dated 09.05.18) – planning permission granted
- 3.13 20/00672/FUL - Convert disused rooftop ancillary plantroom into self-contained flat, erect glass extension to north elevation with terrace and alter elevations – planning permission granted
- 3.14 20/00686/AMDT - Application to vary condition 02 and remove condition 05, replace plan 491-01-18 P07A with 297-03-15-6013A, Alter landscaping (Minor Material Amendment of planning permission 18/00245/FUL dated 09.05.18) – planning permission granted
- 3.15 20/01264/AMDT - Application to vary condition 02 (Approved Plans) and condition 03 (Parking spaces) replace drawing nos. 279-03-15-6088 F and 279-03-15-6089 D with 279-03-15-6088 G and 279-03-15-6102 D, alter car parking spaces (Minor Material Amendment of planning permission 18/01241/FUL dated 14/11/2018) - Pending consideration
- 3.16 20/01217/AMDT Application to vary condition 02 (Approved Plans), 04 (Car parking) and 07 (Cycle parking), replace plan no. 491-02-18 P06 Rev A with drawing no. 279-03-15-6102D., Alter parking and cycle store (Minor Material Amendment of planning permission 18/00245/FUL dated 09.05.18) - Pending consideration

4 Representation Summary

Public Consultation

- 4.1 514 neighbouring properties were consulted, 4 site notices posted and a press notice published. No letters of representation have been received.

Highways

- 4.2 The highways works set out on the plans submitted for the updated legal agreement were completed by the developer, however, since this time the Council has carried out further works to the highway in this location as part of the cycle improvement works in this area.

The bus stop adjacent to the site has been upgraded by the Council including the provision of real time information.

The subway lighting was converted to LED technology by the Council in 2013 which included replacing any damaged Perspex covers.

The Travel Plan is generally well considered, however, the document could be improved by including a range of graphics and the action plan could be 'smarter'. The Travel Information Pack must be made available to residents on occupation.

Officer Comments: The Travel Plan is currently being updated. This will be secured by the new legal agreement.

Environmental Health

- 4.3 No comments.

Parks

- 4.4 No comments.

Fire Service

- 4.5 No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM4 (Tall and Large Buildings), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 5.4 Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles)
- 5.5 Design & Townscape Guide (2009)
- 5.6 National Design Guide (2019)
- 5.7 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 This application is seeking the variation of conditions relating to landscaping, parking arrangement and management and approval of a revised ground floor internal layout including changes to cycle parking, refuse storage, commercial and residents facilities and associated changes to the elevations on the ground floor of Beaumont Court; and associated alterations to the highway layout. In all other respects the proposal remains unchanged from that previously approved under reference 06/00598/FUL.

The considerations in relation to this application are therefore: the principle of the mix of non-residential uses in the development and impact on the character of the site and surrounding area, traffic and transportation issues and standard of accommodation for existing occupiers in terms of the communal residents facilities provided specifically. It is considered that the amendments would have no material impact on neighbours or sustainable development which were previously considered and found to be acceptable in the original application.

7 Appraisal

Principle of Development

- 7.1 Planning approval was allowed at appeal on 3rd October 2007 (Application No: 06/00598/FUL) to *'Redevelop site with part 4/part 8/part10/part11/part12 storey buildings comprising 280 flats with commercial uses at ground floor, provide 166 car parking spaces, cycle storage for 288 cycles, amenity space, refuse storage and form access onto Harcourt Avenue and Baxter Avenue.'* It is noted that both the national and local planning framework has been amended since this time.
- 7.2 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.
- 7.3 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. It is also noted that the provision of new high quality housing is a key Government objective.
- 7.4 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.
- 7.5 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.
- 7.6 Policy DM1 of the Development Management Document seeks to promote successful places. Policy DM1 also requires new development to be of a design 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.

Mix of Uses

- 7.7 In addition to the 280 flats within the upper floors of the redundant office buildings, a nursery/medical surgery/community facility was approved under application 06/00598/FUL on the ground floor of Beaumont Court on the western side of the square. Two further retail units were approved at ground floor within the eastern projection of Beaumont Court and the ground floor of Richmond House. This mix of uses was considered to be a positive aspect of the initial proposal.
- 7.8 The ground floor area within Beaumont Court on the west side of the square, initially approved for a nursery/medical surgery/community facility, has been converted into two small retail units. The reason given for this change is the lack of interest in providing community facilities in this location. Whilst this amendment does not have the same community benefits as the initially proposed uses, it is noted that as retail units these areas maintain an attractive and active frontage to the public space and will serve the wider community. It is noted that there is no planning policy requirement for a nursery or medical facility in this specific location. This change has also been offset by improved communal facilities for residents which are discussed below.
- 7.9 The large retail unit within the projection of Beaumont Court has been subdivided into two retail units, one A1 and one A3. There is no objection to this subdivision or the proposed uses.
- 7.10 The large retail unit to the ground floor of Richmond House is currently undergoing conversion to 6 additional flats. This proposal has been previously approved under reference 19/01868/FUL and therefore does not fall within the remit of this application.
- 7.11 The changes to the proposed mix of uses are considered to be acceptable. The proposal is consistent with the aims and objectives of the updated policies noted above and remain acceptable in principle subject to the detailed considerations below.

Design, Landscaping and Impact on the Character of the Area

- 7.12 The changes to the exterior of the buildings are minor and include small changes to the shopfront entrances, some new exterior doors to ancillary areas and a slight re-alignment of the rear refuse store door on Beaumont Court. The other changes to the buildings are internal at ground floor and do not have a material impact on the streetscene.
- 7.13 Changes have also occurred to the external landscaping scheme including along the site boundaries fronting Victoria Avenue, Harcourt Avenue and Baxter Avenue, within the parking areas and to the public square. The application states that these changes have been made to accommodate additional residents and visitors parking spaces on site to meet demand and because of underground services.
- 7.14 An amended design has been submitted for the public space to the south east corner of the site. In application reference 06/00598/FUL this area was proposed as a fully landscaped pedestrian area. The design was subsequently amended under application reference 18/01241/FUL to include 7 visitor parking spaces on the southern side accessed from the Victoria Avenue slip road. Alternative landscaping including block paving, 5 new trees, 7 raised planters and a public art lighting scheme comprising a radiating arrangement of uplighters was also approved as part of this application.

The current proposal seeks planning permission for a slightly amended landscaping arrangement. Two of the parking spaces have been converted to disabled spaces displacing small sections of planting and the location of the raised planters has been slightly adjusted. The public art lighting scheme remains unchanged and will be secured via an amended legal agreement. Overall it is considered that the changes to the landscaping scheme in this location are considered to be acceptable.

- 7.15 An alternative landscaping scheme is also proposed for the remainder of the Victoria Avenue frontage to the south of Richmond House, however, these changes have been previously agreed under application reference 20/00686/AMDT (previously 18/00245/FUL) which granted planning consent for an additional 8 flats on the roof of Beaumont Court. This application introduced 8 new car parking spaces in this parking area and an alternative landscaping scheme along the boundary. This amended landscaping arrangement therefore remains acceptable.
- 7.16 The other changes to the landscaping scheme include the replacement of 5 new trees proposed in the western section of car park fronting to Baxter Avenue with laurel hedging along the street frontage. It is also proposed to replace 4 trees along the internal boundary with Harcourt House and at the car park entrance on Harcourt Avenue with 5 free standing planters adjacent to the entrance area. It is considered that sufficient soft landscaping has been maintained to the street frontages to enhance the public views into the site. The areas where planting has been lost are internal to the site and screened behind the existing buildings. It is considered that, on balance, the changes to the site landscaping scheme can be considered acceptable.
- 7.17 The amended design and landscaping is acceptable and the proposal is policy compliant in respect of design and character matters subject to conditions.

Standard of Accommodation for Existing and Future Occupiers

- 7.18 The main changes to the approved plans which will impact on the standard of accommodation for occupiers are the amended communal facilities for residents at ground floor within Beaumont Court and the amended landscaping arrangements for the communal roof terraces of Beaumont Court. The changes to the parking/cycling and refuse arrangements have also impacted on residents and these are discussed below in the transportation section.
- 7.19 Application 06/00598/FUL included the provision of a residents meeting room adjacent to the entrance on the ground floor of Beaumont Court. This was secured by the legal agreement. The layout of this area was subsequently amended in application ref 15/01147/NON to include a new residents lobby in front of the proposed meeting room. The ground floor layout has been further amended in the built scheme. The current arrangement includes an alternative location for the meeting room slightly further into the building, however, it remains of a comparable size and in a convenient location. A small resident's gym has also been provided nearby within the ground floor of Beaumont Court. The lobby approved under reference 15/01146/NON remains and includes a concierge service which also contributes to the residents facilities for the development. Overall, it is considered that the revised communal facilities for the residents are an improvement over that proposed in the 2006 scheme and these changes are therefore considered to be acceptable. The updated S106 legal agreement will ensure that these facilities remain for the use of residents for the life of the development.

- 7.20 The changes to the landscaping design of the communal amenity terraces on Beaumont Court are similar to that originally approved and have maintained them as attractive and useable facilities for the residents. These are also considered to be acceptable.
- 7.21 No changes are proposed to the flat layouts. The amended proposal is therefore considered to be acceptable and policy compliant in terms of standard of accommodation for existing and future occupiers.

Traffic and Transportation Issues

Car Parking

- 7.22 The layout of the site has been amended to enable a small increase in parking spaces for the 280 units from 166 spaces to 180 spaces. 10 additional parking spaces have also been accommodated on site to serve the additional residential units covered by other applications noted above. The location of these has been separately approved under the relevant applications. 7 additional public car parking spaces, 2 of which are disabled spaces, have also be accommodated within the public square. The principle of 7 parking spaces in this location has been accepted under application reference 18/01241/FUL.
- 7.23 With 280 flats in this proposal this means that the parking ratio on site has changed from 0.59 per unit to 0.64 per unit for the main scheme (not including public spaces). There is no objection to this in policy terms. The proposal is therefore acceptable in this regard. The inclusion of 2 disabled spaces is also seen to be positive for the scheme.

Cycle Parking

- 7.24 288 cycle spaces were approved in the 2006 scheme. These were located on the ground floor of the two buildings. 294 cycle parking spaces are now proposed across the site which includes 14 to serve the additional residential units covered by other applications noted above. This is a reduction of 8 cycles spaces for the main scheme which is 3% of the overall provision. Some of these cycle stores are located within the existing buildings at ground floor and some are open shelters located outside or within the undercroft parking area.
- 7.25 It is usually recommended that cycle shelters are entirely enclosed to improve their usability; however, the limitations of space on the site are noted. Given the large numbers of cycle spaces available to residents on the site as a whole, this level and arrangement of cycle spaces can, on balance, be considered acceptable in this instance.

Changes to the Highways Layout

- 7.26 There has also been a change to the overall highways layout for the site in relation to the Victoria Avenue frontage which were secured by the original S106 agreement. Application 06/00598/FUL initially proposed to enhance the frontage of the site by replacing some of the service road with a landscaped pedestrian area, however this arrangement has been amended to enable a vehicular access to the new visitor parking in the square. A simplified landscaping scheme comprising two raised planters set within a new tarmac finish has also been installed.

The application states that these changes are due to the constraints of underground services on the perimeter of the site and to enable some visitor parking, including disabled spaces, to be included in the public square.

- 7.27 In terms of the pedestrian environment and impact on the streetscene this change is considered to be a dilution of the original proposal and this is regrettable, however, it is noted that overall the development has transformed the buildings, helped to regenerate Victoria Avenue and has been a catalyst for the renewal of this area. The Council's Highways Officer has overseen these amended highways works which are now complete. He also notes that since these highways works were installed, the Council has undertaken further changes in this area as part of a cycle enhancement scheme. It is considered that the amended highway arrangement in this area is acceptable and the proposal is policy compliant in this regard.

Refuse and Recycling

- 7.28 The layout of the refuse and recycling stores has been amended in relation to the 2006 scheme. The two refuse stores previously approved in the ground floor of Beaumont Court have been consolidated into one larger store to the rear. The arrangements for Richmond House are unchanged. An updated Waste Management Plan for the site has also been submitted with this application which confirms that there are 3 collections a week for waste and recycling. These arrangements meet the needs of the site and are considered acceptable. The proposal is policy compliant in this regard.

Travel Plan

- 7.29 A Travel Plan for the site has been submitted. This is broadly acceptable but is currently being refined and will be secured as part of the new S106 legal agreement.

Planning Obligations

- 7.30 The original application under reference 06/00598/FUL was approved subject to a S106 legal agreement – details of the obligations are set out in paragraph 2.5 above.
- 7.31 As noted above, this agreement was subsequently amended in 2015 under 15/02019/S106BA and 15/02020/DOV to remove the requirement for a CCTV contribution, to remove the CPZ contribution and to revise the provision of affordable housing to 52 units in Richmond House and a monetary contribution of £474,776 (which has since been paid).
- 7.32 In determining this application is necessary to review the heads of terms of the legal agreement to ensure that they are still appropriate and relevant. In particular it is noted that the 'Victoria Avenue Works' proposed in the initial agreement require updating to reflect the current circumstances. The alterations of the Victoria Avenue Service Road are now complete. Plans have been submitted as part of the draft Deed of Variation to the S106 showing the works which were undertaken by the developer. The Council's Highways Officer confirms that this scheme was built in accordance with the submitted plans but that the Council has subsequently changed the layout of this area as part of the wider cycle strategy. It is also noted that the bus stop adjacent to the site has been upgraded by the Council and new LED lighting has been installed in the underpass as part of the Council's LED lighting Strategy.

In light of these changes it is proposed that the following commitments be removed from the new deed:

- Victoria Avenue Bus Shelter Improvement Works contribution £20,000.00 (index linked)
- Victoria Avenue Improvement Works – *revised layout approved under the previous Deed of Variation*
- Victoria Avenue Commuted Maintenance Sum £5,455 (index linked) per year for 3 years
- Victoria Avenue Underpass Contribution £2,182 (index linked)
- Victoria Avenue Traffic Regulation Order Contribution £2,182 (index linked)

7.33 The justification for removing these obligations is that the Council has been able to deliver the necessary bus infrastructure improvements and highway improvement works that support this development using alternative funding sources.

7.34 The proposed Heads of Terms are as follows:

1. Public Accessible Area – amended design as shown on drawings reference 279-03-15- 6202A and 279-03-15-6088H to be provided and permanently maintained.
2. Victoria Avenue Works - amended design as shown on drawings references 8715-04-CRH-XX-00-DR-C-4103-P1, 8715-04-CRH-XX-00-DR-C-4002 – P1 and 8715-04-CRH-XX-00-DR-C-4003 – P1 - noted as completed.
3. Public Art lighting scheme - amended design as shown on drawing reference 279-03-15-6088H to be permanently retained and maintained.
4. Residents Community Facility – amended facilities including communal lobby, meeting room and residents gym as shown on drawing reference 279-03-15-6202A to be permanently retained and maintained.
5. Management Strategy for the site including buildings, car park, refuse and outside areas including public access area and public art to be submitted, agreed and implemented in accordance with the approved document.
6. Travel Plan for the site to be submitted, agreed and implemented in accordance with the approved document.
7. Affordable Housing – 52 shared ownership units on floors 1-7 of Richmond House as shown on drawings reference 279-03-15-4(15) F01 and 279-03-15-4(16) F01 to be provided and permanently maintained. The affordable housing contribution is to be noted as paid in full.

7.35 The amended S106 legal agreement is currently being drafted, however, it is recommended that the revised proposed Head of Terms be agreed by Development Control Committee and the application delegated for approval subject to completion of a S106 agreement on this basis.

Community Infrastructure Levy (CIL)

7.36 As the proposed alteration creates no new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

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 amended development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development, including the change of uses at ground floor, is acceptable and the proposal would have an acceptable impact on the amenities of neighbouring, existing and future occupiers and the character and appearance of the application site, the streetscene and the locality more widely. The highways impacts, sustainability and living conditions within the flats are also acceptable. The proposed changes are of a scale and nature which constitute a minor material amendment in principle. In addition, the proposed modifications to the S106 agreement are acceptable for the reasons set out above. This application is therefore recommended for approval subject to conditions and completion of a S106 agreement.

9 Recommendation

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- 1. Public Accessible Area – Design as shown on drawings reference 279-03-15- 6202A and 279-03-15-6088H to be provided and permanently maintained.**
- 2. Victoria Avenue Works - Design as shown on drawings reference 8715-04-CRH-XX-00-DR-C-4103-P1, 8715-04-CRH-XX-00-DR-C-4002 – P1 and 8715-04-CRH-XX-00-DR-C-4003 – P1 - noted as completed.**
- 3. Public Art lighting scheme - Design as shown on drawing reference 279-03-15-6088H to be permanently retained and maintained.**
- 4. Residents Community Facility – Facilities including communal lobby, meeting room and residents gym as shown on drawing reference 279-03-15- 6202A to be permanently retained and maintained.**
- 5. Management Strategy for the site including buildings, car park, refuse and outside areas including public access area and public art to be submitted, agreed and implemented in accordance with the approved document.**
- 6. Travel Plan for the site to be submitted, agreed and implemented in accordance with the approved document**
- 7. Affordable Housing – 52 shared ownership units on floors 1-7 of Richmond House as shown on drawings reference 279-03-15-4(15) F01 and 279-03-15-4(16) F01 to be provided and permanently maintained. The affordable housing contribution is to be noted as paid in full.**

(b) That the Interim Director for Planning or Group Manager of Planning and Building Control be delegated authority to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to in part (a) above and subject to the conditions set out below.

01 The development shall be carried solely out in accordance with the approved plans: 279-03-15-6084B, 279-03-15-6085E, 279-03-15-6103A, 279-03-15-6202A, 279-03-15-6203A, 279-03-15-6204A, 279-03-15-6205A, 279-03-15-6206A, 279-03-15-6207, 22855-A-02-PL-001 Rev A, 22855-A-PL-03P-001-000 Rev A, 22855-A-PL-03P-002 Rev A, 22855-A-PL-03P-003 Rev A, 22855-A-PL-03P-004 Rev A, 22855-A-PL-03P-005 Rev A, 22855-A-PL-03P-006 Rev A, 22855-A-PL-03P-007 Rev A, 22855-A-PL-03P-008 Rev A, 22855-A-PL-03P-009 Rev A, 22855-A-PL-03P-010 Rev A, 279-03-15-6088H

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

02 The materials used for the external surfaces of the building shall be as detailed on plan reference 279-03-15-6203, 279-03-15-6204 and 279-03-15-6205

Reason: To safeguard the visual amenities of the area and wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, and DM3 and advice contained within the Southend Design and Townscape Guide (2009

03 Within 4 months of the date of this decision the landscaping for the development hereby approved shall be carried out in full accordance with the approved landscaping plans reference 297-03-15-6103 Rev A, 279-03-15-6084 Rev B, 279-03-15-6085 Rev E, 279-03-15-6088H and the associated landscape management plan entitled Garden Specification Beaumont and Richmond House by iv Property Management. If any tree, shrub or plants are removed or found to be dying, severely damaged or diseased within 5 years of planting them they must be replaced with trees, shrubs or plants of a similar size and species.

Reason: In the interests of visual amenity and to ensure the development makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1and DM3 and The Design and Townscape Guide (2009).

04 The 180 residents car parking spaces, including 1 disabled parking space and 7 visitor parking spaces, including 2 disabled visitor car parking spaces, shall be permanently retained at the site and made available for use solely for occupiers of the residential units hereby approved and visitors to the site in full accordance with the details shown on drawing 279-03-15-6202A.

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

05 The 280 cycle parking spaces shall be permanently retained at the site and made available for use solely for occupiers of the residential units hereby approved and visitors to the site in full accordance with drawing 279-03-15-6202A.

Reason: To ensure that satisfactory cycle parking facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP3, Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

06 The refuse and recycling stores as shown on plan reference 279-03-15-6202A shall be retained in perpetuity for use solely for the storage of refuse and recycling for the occupiers of the site . Refuse Management at the site shall be carried out in full accordance with the Beaumont and Richmond Waste Management Plan by B&R Property Management Ltd in perpetuity.

Reason: To ensure the provision of adequate refuse and recycling storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015).

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 16 (or any other revoking and re-enacting that Order with or without modification), no telecommunications equipment shall be installed above the highest part of the roof of either building.

Reason: In the interests of aircraft safety and to safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

08 No dust or fume or filtration equipment or air conditioning, ventilation or refrigeration equipment shall be installed at the site until details of its design, siting, discharge points and predicted acoustic performance and any odour and noise mitigation to be installed as part of this equipment have been submitted to and approved in writing by the local planning authority. The equipment shall be installed in full accordance with the approved details and thereafter be retained as such.

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

09 The ground floor areas marked as 'shop use class A1' (2 units), 'professional services office use class A2' and 'café use class A3' hereby approved, as identified on plan reference 279-03-15-6202A, shall only be occupied for purposes falling within Use Classes A1, A2 and A3 as defined under the Town and Country Planning (Use Classes) Order 1987 on the date this application was submitted. These units shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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 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.

02 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to affordable housing, public access areas, public art, highway works, residents community facility, management strategy and a Travel Plan.