

Reference:	20/01396/FULM
Application Type:	Full Application Major
Ward:	Victoria
Proposal:	Erect two storey extension to form seventh and eighth floor comprising of 11 self-contained flats, with associated parking, bin and cycle stores
Address:	Victoria House, 47 Victoria Avenue, Southend-On-Sea
Applicant:	Aldel Designs Ltd
Agent:	Mr Alan Gloyne of SKArchitects
Consultation Expiry:	4th November 2020
Expiry Date:	14th April 2021
Case Officer:	Spyros Mouratidis
Plan Nos:	470-P01 REV D 470-P02 REV C, 470-P03 REV B, 470-P04 REV B, 470-P05 REV C, 470-P06 REV A, 470-P07 REV A, 470-P08 REV F, 470-P09 REV C, 470-P10 REV B, 470-P11 REV E, 470-P12 REV E, 470-P13 REV E, 470-P14 REV E
Supporting Documents:	Daylight and Sunlight Report, SuDS Statement, Waste Management Plan, Environmental Site Assessment Report Phase 1, Planning, Design and Access statement including Sustainability statement
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The site is located on the western side of Victoria Avenue opposite the Civic Centre and is currently occupied by a rectangular, seven-storey building with basement. The building was erected in the 1960s to accommodate office space which more recently was converted to residential apartments. The area to the rear of the building is laid with tarmac to facilitate car parking. Access to the rear car park is gained from Victoria Avenue. There is an electricity substation within the car park.
- 1.2 To the north of the site is the Pinnacle, an office block which was converted to residential units, and to the south is Skyline Plaza, a mixed office and residential development. The building is one of a number of office buildings of a similar age and scale that flank this section of Victoria Avenue. Several of these buildings have been or are being converted to residential uses. The site falls within the Southend Central Area and is within an allocated Opportunity Site. No other designations affect the site or the area.

2 The Proposal

- 2.1 Planning permission is sought for the upward extension of the building with two additional storeys to accommodate eleven (11no.) residential units. The proposed floors would be contained within the existing footprint of the building and measuring 13m deep by 40.7m wide. The upward extension would add some 6.6m to the overall height of the block, resulting in a maximum height of some 31.3m, with the main roof being at 28.5m from the ground. The additional storeys would be finished to match the external appearance of the existing building at seventh floor and with cladding at eighth floor level.
- 2.2 The proposed housing mix is shown on Table 1 below. The proposed seventh floor, south-western one-bed unit and the proposed western two-bed are proposed to meet the standards required for building regulation M4 (3) “disabled accessibility requirements”. All other units are proposed to meet the standards for building regulation M4 (2) “accessible and adaptable dwellings”. All proposed units would have access to private balconies and a communal rooftop terrace. Eight additional car parking spaces would be provided to the rear of the building within the existing car parking area resulting in a total of fifty-four (54) parking spaces for a total of seventy-three (73no.) flats. Twelve (12) additional cycle parking spaces are proposed to be provided within the basement of the building. The existing bin storage area will be used. It is proposed to install photovoltaic panels on the roof of the building.

Table 1: Proposed Housing Mix.

Type of unit	Current Application	
	Quantum	Percentage
1 bedroom (1 person)	2	18.18%
1 bedroom (2 persons)	1	9.10%
2 bedrooms (3 persons)	4	36.36%
3 bedrooms (4 persons)	4	36.36%
Total	11	100.00%

- 2.3 The application is classed as ‘Major Development’ as it proposes more than ten residential units. According to the Council’s constitution applications for ‘Significant development’, defined to include applications for major development, should be determined by the Council’s Development Control Committee (“DCC”).

3 Relevant Planning History

- 3.1 The site has a long and complicated planning history. The details of the most relevant planning history to this application are shown below. In summary, in 2012, planning permission was granted for the upward extension of the building with two-storeys and the change of use of the building to residential use with a commercial ground floor. In 2015 for two additional storeys was refused for reasons relating to design, internal layout and parking. In 2016, prior approval was granted for the conversion of the office building to sixty (60no.) flats with 44 parking spaces and in 2017 planning permission was granted for external alterations and the creation of additional office space within the sixth floor of the building. In 2020, planning permission was granted for the change of use of one of the flats and the office space on the sixth floor to three (3no.) flats including the creation of two additional car parking spaces.

Table 2: Relevant Planning History

Reference	Description	Outcome
12/01094/FULM (the “2012 Permission”)	Convert former office building (Class B1) into 36 flats (Class C1) and retail (Class A1) and cafe/restaurant use (Class A3) at ground floor, erect two additional floors containing four self-contained flats incorporating terraces to front and rear, lay out car parking, motor cycle and bin stores	Permission Granted [08.01.2013]
15/00099/FUL	Erect two additional floors containing nine self contained flats (Class C3) incorporating terraces to front, rear and roof, lay out 53 car parking spaces, cycle store and bin store	Refused [26.10.2015]
16/01528/PA3COU	Change of use from offices (Class B1) to sixty self contained flats (Class C3), layout associated parking and bin store (Prior Approval)	Prior Approval Granted [12.10.2016]
17/00092/FUL	Install raised planters to front and rear, install windows to side elevations, new brick infill to create additional office space (74 sqm), install new windows, doors and balconies and alter elevations. (Amended Proposal)	Permission Granted [27.04.2017]
17/02162/AD	Application for approval of details pursuant to condition 04 (details of cycle parking) and condition 07 (details of planters and soft landscaping) of planning permission 17/00092/FUL dated 27.04.2017	Details Part Approved [04.01.2018]
17/02163/AD	Application for approval of details pursuant to condition 04 (details of waste management) and condition 05 (details of waste storage) of planning application	Details Approved [09.02.2018]

	16/01528/PA3COU dated 12.10.2016	
17/01846/AD	Application for approval of details pursuant to condition 03 (details of highways works) of planning permission 16/01528/PA3COU dated 12.10.2016	Details Approved [22.02.2018]
18/00276/AD	Application for approval of details pursuant to condition 07 (details of planters and soft landscaping) of planning permission 17/00092/FUL dated 27.04.2017	Details Approved [11.04.2018]
19/02281/FUL	Convert part of sixth floor from office (Class B1) and one two-bed flat to three one-bed self-contained flats (Class C3) with two additional car and cycle parking spaces	Permission Granted [11.03.2020]

4 Representation Summary

Public Consultation

- 4.1 One hundred fifty-four (154) neighbouring properties were consulted, a site notice was displayed, and a public notice was advertised in the local press. No representations have been received.

Parks

- 4.2 No comments.

Education

- 4.3 No objection – no contribution is required.

Highways

- 4.4 No objections.

Environmental Health

- 4.5 No objections subject to conditions regarding hours of construction and waste management.

Anglian Water

- 4.6 No objection subject to condition to require a revised surface water drainage strategy.

Fire Safety Officer

- 4.7 No objections.

London Southend Airport

- 4.8 No objections – subject to height being no greater than adjacent buildings.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 National Housing Standards (2015)

- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision).
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4 (Tall and Large Buildings), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM15 (Sustainable Transport Management).
- 5.6 Southend Central Area Action Plan (2018): Policies DS5 (Transport, Access and Public Realm), PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles)
- 5.7 Design & Townscape Guide (2009)
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Planning obligations: a guide to section 106 and developer contributions (2015)
- 5.11 Interim Affordable Housing Policy (2016)
- 5.12 Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.13 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, the dwelling mix, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, ecology and mitigation for impact on designated sites and CIL.

7 Appraisal

Principle of Development

Provision of housing

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes. Paragraph 121 of the NPPF states: "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.”

- 7.2 The site is previously developed land, and it is therefore relevant to Core Strategy policy CP8, which 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. Policy DM3 states that “the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.” Policy PA8 of the SCAAP envisages that approximately one thousand dwellings will be delivered within the opportunity site PA8.1 of which the site forms a part.
- 7.3 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.4 For the proposed provision of housing the HDT and 5YHLS are weighing in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. Although, it should also be noted that a scheme for this quantum of housing would have limited effect on the overall supply of housing.

Tall and large buildings

- 7.5 Policy DM4 of the Development Management Document relates to tall and large buildings. Although the proposal is not for the erection of a new tall or large building but the enlargement of one, given that this proposed enlargement is upwards, this policy should be given due consideration to establish the principle of the development. According to this policy, such buildings will only be permitted in appropriate locations in the Southend Central Area and will only be considered outside this area in exceptional circumstances. The policy contains a list of criteria. According to these criteria, tall and large buildings will be considered acceptable where:
- (i) They are located in areas whose character, function and appearance would not be harmed by the scale, mass or bulk of a tall or large building; and
 - (ii) They integrate with the form, proportion, composition, and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level; and
 - (iii) Individually or as a group, form a distinctive landmark that emphasises a point of visual significance and enhances the skyline and image of Southend; and
 - (iv) The highest standards of architecture and materials are incorporated; and

- (v) The latest regulations and planning policies for minimising energy use and reducing carbon emissions over the lifetime of the development are exceeded, where viable and feasible; and
- (vi) Ground floor activities provide a positive relationship to the surrounding streets; and
- (vii) They are located in a sustainable area with frequent public transport links, and where local services are accessible by foot and bicycle.

7.6 Policy DM 4 goes on to state that tall and large buildings will not be acceptable where:

- (i) They adversely affect their surroundings in terms of character, microclimate, wind turbulence, overshadowing, noise, reflected glare, navigation and telecommunication interference; or
- (ii) They impact adversely on local views that make an important contribution to the character of the area; or
- (iii) They adversely impact upon the skyline of Southend as viewed from the foreshore and other important viewpoints and vistas within and outside the Borough; or
- (iv) They adversely impact upon London Southend Airport; or
- (v) They detrimentally impact upon the setting of heritage assets.

7.7 As already discussed, the area is characterised by large blocks which originally were erected to accommodate offices. The proposal would meet the above criteria and would be, in principle, an appropriate addition in this area. Detailed considerations will be discussed in the following sections of this report. The principle of two additional storeys on this building was previously accepted by the Local Planning Authority with the 2012 Permission.

7.8 Overall, the principle of the proposed development is acceptable. Other material planning considerations are discussed in the following sections of the report.

Dwelling Mix

7.9 Paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

7.10 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seeks to promote a mix of dwelling types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below;

Table 3: Proposed Housing Mix compared to policy requirement.

Type of unit	Current Application		Policy Position
	Quantum	Percentage	Percentage
1 bedroom	3	27.28%	9.00%
2 bedrooms	4	36.36%	22.00%
3 bedrooms	4	36.36%	49.00%
4 bedrooms	0	0.00%	20.00%

7.11 Whilst the proposed development does not strictly accord with the dwelling mix identified in Policy DM7, it is considered that the units proposed incorporate a reasonable mix of dwelling sizes and types, including three bed units suitable for families as per the policy definition of family dwellings. The proposed dwelling mix is also considered to be in accordance with the context of the proposed two-storey extension to the existing building, the constraints of the site and would not result in an unduly high concentration of one-bed units in the area. The proposal is acceptable and policy compliant in the above regards.

Design and Impact on the Character of the Area

- 7.12 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.13 Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect 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.”
- 7.14 In terms of layout the proposal would not alter the existing layout of the building and its impact on the urban grain would not be significant. The proposed scale can easily be accommodated within the application given the context of largescale development in the vicinity. The proposed form references the existing form on site but instead of projecting balconies, it creates recessed terraces. This form is not incongruous in the area and helps to differentiate between the original building and the additional floors above.
- 7.15 Considering the appearance of the proposal, the existing building has structured elevations with the openings vertically aligning in key areas only. This structured approach is taken for the proposed storeys and complements the existing development.

The floors' height of the existing building does not horizontally align with the floor height of its immediate neighbours and this would continue to be the case with the proposed upward extension of the building. However, the vernacular in the area does not rely to buildings taking visual cues from each other in this regard. The proposal would have a proportionate level of glazing and would use full height windows in line with the windows used on the main building.

- 7.16 In terms of materials, additional detail is required to ensure that appropriate materials would be used on acceptable areas of the building in order to avoid the design being compromised by poor quality materials. A condition is suggested in this regard. The hard and soft landscaping of the site was agreed with previous permissions. In the round, the proposal is considered acceptable and policy compliant on design and character grounds.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.17 Delivering high quality homes is a key objective of the NPPF and it is reflected in policy DM8 of the Development Management Document. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.

Space Standards

- 7.18 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

Table 4: Housing Standards

Type	Area (m ²)	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m ²)	Amenity (m ²)
Standard for 1 bed 1 person (one storey)	39	7.5m ² Wmin=2.15m	N/A	N/A	1	N/A
Standard for 1 bed 2 person (one storey)	50	11.5m ² Wmin=2.75m	N/A	N/A	1.5	N/A
Standard for 2 bed 3 person (one storey)	61	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	N/A	2.0	N/A
Standard for 3 bed 4 person (one storey)	74	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	7.5m ² Wmin=2.15m	2.5	N/A

Proposed Flat 7F SW (1 bed 1 person)	39	10.7m ² W = 2.9m	N/A	N/A	1	3.2
Proposed Flat 7F W (2 bed 3 person)	62	11.5m ² W = 3.1m	10.3m ² W = 2.6m	N/A	2	4
Proposed Flat 7F NW (1 bed 1 person)	40	9.9m ² W = 2.3m	N/A	N/A	1.5	3.1
Proposed Flat 7F NE (1 bed 2 person)	52	13.1m ² W = 2.9m	N/A	N/A	1.8	3.1
Proposed Flat 7F E (3 bed 4 person)	77	11.6m ² W = 3m	10.1m ² W = 2.5m	10.1m ² W = 2.4m	3	3.3 + 3.1
Proposed Flats 7F & 8F SE (3 bed 4 person)	74	13m ² W = 2.75m	10.4m ² W = 2.3m	9.8m ² W = 2.4m	2.3	3.2
Proposed Flat 8F SW (2 bed 3 person)	61	15.6m ² W = 2.75m	9.9m ² W = 2.4m	N/A	2.1	4.3
Proposed Flat 8F NW (3 bed 4 person)	79	11.5m ² W = 3m	10.5m ² W = 2.4m	9.2m ² W = 2.3m	2.5	3
Proposed Flat 8F NE (2 bed 3 person)	61	11.5m ² W = 3m	10.1m ² W = 2.5m	N/A	2.1	3.5
Proposed Flat 8F E (2 bed 3 person)	68	13.3m ² W = 3.3m	10.9m ² W = 2.5m	N/A	2	3.3 + 3.1

7.19 The table shows that the proposed flats would meet the overall space, the bedroom area and dimensions requirement, and the minimum internal storage space required by the NDSS. As the internal storage space areas are not proposed to be built-in, a condition is suggested to secure their provision.

Daylight, Sunlight and Outlook from Habitable Rooms

7.20 All habitable rooms would have acceptable outlook and benefit from suitable levels of daylight and sunlight.

Amenity Provision

7.21 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."

7.22 All proposed units would benefit from private external amenity space in the form of balconies. A communal roof terrace would also be provided. Given the town centre location of the site, with a range of amenities available, including the proximity to public open space, the level of amenity space proposed is considered to be acceptable in this instance. A condition to secure screening where needed, including around the roof terrace and within balconies, is recommended.

M4 (2)/ M4 (3) – Accessibility

7.23 Accessibility requirements are not a strict policy requirement for extensions to existing buildings. Nevertheless, the proposal would result in two units being able to comply with building regulation M4 (3) and the rest of units being able to comply with building regulation M4 (2). This is a positive of the proposal over and above the required policy position. A condition to secure compliance with the relevant requirements is proposed. The accessibility and adaptability of the proposed dwellings are considered acceptable.

7.24 Overall, it is considered that, subject to conditions, the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

7.25 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”

7.26 The nearest residential properties to the application site are the flats on the buildings to the north and south. The proposal would be some 2m away from the flats on the Pinnacle, some 5m from the lower flats on the Skyline Plaza and 16m from the upper flats on the same building. Given the separation distance and relationship with the flats on the Skyline Plaza, the proposal would not result in a detrimental impact on these neighbours’ residential amenity in terms of privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight, given the more urban context and character of this area.

7.27 The proposal does not include any primary windows on its northern elevation. The neighbouring building to the north contains two-bed flats near the location of the proposal. Four windows serving the bedrooms of the fifth and sixth floor flats nearer the site would be impacted in terms of outlook and light. The submitted daylight and sunlight report recognises these issues.

7.28 It is noted that these neighbouring flats were authorised under the expedited provisions of the permitted development legislation with a prior approval in 2014. At that time, the 2012 Permission on the application site was live and implementable. The neighbouring flats were designed in this way knowing that the upward extension of the building on site was a committed scheme and despite that, it was decided to propose primary windows on this location.

- 7.29 It is also noted that the resulting situation for the affected flats on the fifth and sixth floor of the neighbouring building would not be dissimilar to the situation experienced by the flats on the lower floors. Such relationships do exist in these more urban types of location. Bearing this in mind and given that adequate light and outlook is retained on the main living areas of the affected flats, the identified harm, on balance would not be so detrimental to reasonably warrant the refusal of the application in this regard.
- 7.30 The proposal would have an acceptable impact on other neighbouring properties. In terms of noise and disturbance, conditions are suggested to control the hours of construction and secure a construction method statement, which would be sufficient to safeguard the residential amenity of neighbours. The Council's Environmental Health raised no objection in relation to this matter. Overall, on balance, the proposal is acceptable and policy compliant in these regards.

Traffic and Transportation Issues

- 7.31 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". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Policy DS5 of the SCAAP requires that development proposals in the central area of the Borough to have regard to the above-mentioned policy. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport.
- 7.32 Assessed against parking standards, the minimum car parking standard required for flats is one space per unit. As per the policy requirement, the minimum standard should be applied flexibly in this instance due to the sustainable location of the application site. The proposal would provide eight (8) additional spaces within the existing parking area to the rear of the site. The total number of car parking spaces would be 54 spaces for 73 residential units, a ratio of 0.74 car parking spaces per dwelling. This is a similar level of provision as other developments in the area which were previously found to be acceptable either by the LPA or on appeal. This is due to the sustainable nature of the location and because they exceed the levels of car ownership in the local area, which were recorded with the 2010 census to be some 0.32 cars per unit. This is a material consideration of significant weight as it was established in a recent appeal decision at Baryta House, a property in the vicinity of the site. The provision of electric car charging points is encouraged and an informative is suggested in this regard.
- 7.33 The parking standards require the provision of one cycle parking space per dwelling. It is proposed to provide additional cycle parking racks within the existing basement of the building. Twelve racks which can accommodate some twenty-one (21) cycle spaces are proposed. This is adequate to meet the amount required by the minimum standard. The access arrangements to the site would not be altered as a result of the proposal. The Council's Highways team raised no objection. The proposal is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 7.34 The waste management arrangements for the site as a whole were previously agreed under application 17/02163/AD. The submitted plans and waste management proposal show the same arrangements which at the time were considered acceptable and capable to serve a greater number of units on site. The provision of bins proposed within the submission is in line with the Council's requirements as described in the waste management document. The location of the waste storage facility, subject to the management provisions already in place, would be convenient both for collection services and users of the upper floor flats. The proposed waste storage arrangements are considered acceptable and policy compliant in this regard.

Flooding and surface water drainage

- 7.35 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposal would be erected on top of existing impermeable areas and would not significantly increase the runoff of surface water. However, the application was submitted with details about the drainage arrangements of the site. Anglian Water advised in their consultation response that the suggested drainage arrangements would not be acceptable. A condition is proposed to ensure acceptable details are submitted as per the suggestion of Anglian Water. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Energy and Water Sustainability

- 7.36 Policy KP2 of the Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)". Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.37 The submitted sustainability statement confirms that through a combination of photovoltaic panels on the rooftop of the building and appropriate insulation and ventilation of the proposed flats, the on-site generation of energy would exceed 10% of the energy needs of the development. It is also confirmed that water consumption would be limited. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

Ecology - Essex Coast RAMS

- 7.38 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast RAMS. It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

The Essex Coast RAMS SPD, which was adopted by the Council on 29 October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.39 The applicant has already paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of eleven (11no.) dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Planning Obligations

- 7.40 Core Strategy Policy KP3 states that in order to help the delivery of the Plan's provisions the Borough Council will, among other, enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as affordable housing and educational facilities."
- 7.41 Similarly, Policy CP6 of the same document states that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that would be adversely affected. The policy stipulates that this will be achieved by, among others, supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.

Affordable Housing

- 7.42 Paragraph 62 of the NPPF states that where a need for affordable housing is identified, it should be expected it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 7.43 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy Policy CP8 which states that the Borough Council will enter into negotiations with developers to ensure that all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site.
- 7.44 The applicant submitted a viability assessment which showed the scheme was not viable if any contribution towards affordable housing was sought. The viability position of the scheme was tested by the Council's viability consultants (in this case BPS) who confirmed the applicant's position. No contribution in relation to affordable housing is sought in this instance.

Education

- 7.45 The Council's education team confirmed there is capacity in secondary schools in the wider area and as such a contribution has not been sought. Primary school places are funded through CIL. A planning obligation is not necessary in this regard. The development would not have an adverse impact on the education capacity in the area.

Community Infrastructure Levy (CIL)

7.46 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 917.5m², which may equate to a CIL charge of approximately £23,572.69 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

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 local and national policies and guidance. The proposal is acceptable in principle and provides an appropriate dwelling mix. Subject to conditions, it would have an acceptable impact on the character and appearance of the area, the living conditions of future occupiers and highway and parking conditions in the area. Subject to conditions the proposal would be acceptable in relation to waste management, energy and water sustainability and it would provide acceptable drainage strategy on site. The development offers suitable mitigation for its in-combination effects to protected ecology sites. The proposed development would have an acceptable impact on the amenities of neighbouring occupiers. The proposal would make a contribution to the housing needs of the borough which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be significant in this instance in view of the number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

General Conditions

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 470-P01 REV D, 470-P02 REV C, 470-P03 REV B, 470-P04 REV B, 470-P05 REV C, 470-P06 REV A, 470-P07 REV A, 470-P08 REV F, 470-P09 REV C, 470-P10 REV B, 470-P11 REV E, 470-P12 REV E, 470-P13 REV E, 470-P14 REV E.

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

Design and related conditions

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies 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 details before the dwellings hereby approved are first occupied.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

Living Conditions related conditions

- 04 The dwellings hereby approved shall not be brought into first use unless internal storage space has been provided and made available on site in accordance with the approved floor plans 470 P11 REV E and 470 P12 REV E, or alternative details which have previously been submitted and approved by the Local Planning Authority pursuant to this condition.**

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

- 05 Prior to its first occupation, each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved floor plans 470 P11 REV E and 470 P12 REV E, which show all flats complying with building regulation M4(2) save for the eighth floor eastern flat and seventh floor north-eastern flat which are shown to comply with building regulation M4 (3).**

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 06** Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted planning permission 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, obscenity, materials and location of all privacy screens to be fixed to the building, including around the proposed roof terrace and on balconies where needed. Before the development hereby approved is occupied the privacy screens shall be installed 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 future occupiers and adjoining 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).

Impact on residential amenity of neighbours

- 07** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding
 - v) measures to control the emission of dust, dirt and noise during construction
 - vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
 - vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
 - viii) details of the duration and location of any noisy activities.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 09** The north facing (side) windows of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the internal area which it serves. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in line with these details in perpetuity.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

Highways

- 10** Prior to the first occupation of the residential units hereby approved, eight additional parking spaces as shown on the approved plan 470-P08 REV F shall be provided and made available for use on site. The parking spaces shall be retained in perpetuity for the purposes of car parking solely for residents of the development hereby approved and their visitors.

Reason: To ensure the provision of adequate parking in accordance with National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 11** Prior to the first occupation of the residential units hereby approved the twenty-one (21) additional cycle parking spaces as shown on the approved plan 470-P09 REV B shall be provided on site. The cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Waste management

- 12** The development hereby approved shall not be brought into first use unless and until at least ten recycling (1100l) containers, seven residual waste (1100l) containers and five food waste (140l) containers have been provided on site and made available for use in line with the details shown in approved plan 470-P08 REV F. The provision of the waste storage facilities shall be retained in perpetuity. The development hereby approved shall accord with the waste management details approved for the site under application 17/02163/AD.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

Drainage

- 13 Notwithstanding the information submitted, the details shown on the plans submitted and otherwise hereby approved, no drainage related works shall take place on site associated with this planning permission unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved pursuant to this condition before the development hereby approved is first occupied or brought into first use.**

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

Energy and water sustainability

- 14 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

Positive and proactive statement

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:

- 1** Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council 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.
- 3** The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.