

Reference:	17/00639/AD	
Ward:	Shoeburyness	
Proposal:	Application for approval of details pursuant to condition 30 (details of sea wall repairs) of planning permission 00/00777/OUT dated 06/02/2004 [Revised application]	
Address:	Shoebury Garrison, Ness Road, Shoeburyness	
Applicant:	Avant Homes	
Agent:	n/a	
Consultation Expiry:	n/a	
Expiry Date:	8 th June 2017	
Case Officer:	Amanda Rogers	
Plan Nos:	17128-SK103B, 'Specification – Hydraulic Grade Asphalt', Shoebury Garrison Sea Wall Revetment Remedial Works', 'Hesselberg Hydro: Proposed works to repair revetment March 2017'	
Recommendation:	Delegate authority to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning and Building Control to AGREE THE DETAILS subject to completion of a Deed of Variation under Section 106 of the TCPA 1990 (As Amended)	



1. The Proposal

- 1.1 Details have been submitted pursuant to Condition 30 of the outline planning permission granted on 6th February 2004 for redevelopment of the Shoebury Garrison site (see paragraph 6.1 below), which stated:

The following works to the sea wall shall not commence until details of the design and appearance of the following matters have been submitted to and approved by the local planning authority:

- (i) demolition of the gantry jetty;*
- (ii) repairs to the seawall, including*
 - (a) infilling/repairs of voids in the seawall;*
 - (b) formation/replacement of toe beam of wall;*
 - (c) formation/repair of concrete slab over existing face of wall;*
 - (d) resetting/replacement of Essex blocks; and*
 - (e) repairs to wooden groynes;*
- (iii) construction of a wave return wall along the crest of the existing seawall; and*
- (iv) provision of a surface water outfall or outfalls onto the foreshore;*
- (v) installation of new groynes; and*
- (vi) sheet piling in front of the toes.*

The development shall only be implemented in accordance with the approved details.

Reason: To protect areas of ecological importance and in the interests of visual amenity and public safety, in accordance with Policy C11 of the Borough Local Plan.

- 1.2 On 10th April 2014, under application ref. 14/00367/AD, the Council approved details pursuant to the planning condition set out above. However, since this time the sea wall repair works have been carried out by contractors acting on behalf of the landowner Avant Homes, and it has come to the Council's attention that the quality of the repair in some areas is not yet satisfactory and in some locations needs to be replaced. Therefore, Avant Homes have appointed alternative contractors (Hesselberg Hydro – specialists in the application of asphalt in hydraulic engineering, particularly systems for erosion protection) who have now proposed a different sea wall repair specification. This revised approval of details application reflects these proposed changes.
- 1.3 In addition to this condition, the Section 106 agreement dated 6th February 2004 (as amended) (S.106) associated with the outline permission (also) included details in relation to the coastal defences and associated structures. The S.106 required that works be completed in accordance with the specification outlined in the following reports:- *“Sea Wall and Defences Maintenance & Repair Works report dated November 2001”* and *“Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001”*. Approval of this condition requires synergy with the requirements of the S.106; hence, an application to modify the S.106 is also being considered at this time under ref. 17/00638/DOV.

2. Site and Surroundings

- 2.1 The Shoebury Garrison site is located to the east of the borough. The site includes residential, commercial development, together with a school and church used for community facilities.

- 2.2 The main access roads into the Garrison include Campfield Road to the north and Ness Road to the southwest. There are a number of cycle/footpaths that link the site to the northeast and southwest. The landscape to the south of the site leads to the Shoeburyness coastline.
- 2.3 The developer, Avant Homes (previously known as Country and Metropolitan Homes, and Gladedale), has now completed the 465 dwellings granted in the outline planning permission and are now close to completion of the remaining S.106 works. The only remaining S.106 matters relate to the transfer of the coastal defences, upon satisfactory completion of repair works, and transfer of the Shoebury Garrison Heritage Centre.

3. Appraisal

- 3.1 This approval of details application should be considered in the context of the application seeking to modify the planning obligation (17/00638/DOV) and the planning history set out in section 6 below.
- 3.2 A significant proportion of the coastal defence repair works have been completed in accordance with the details outlined in *“Sea Wall and Defences Maintenance & Repair Works report dated November 2001”* and *“Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001”* prepared by WSP (as amended by approval of details application 14/00367/AD in 2014 and Deed of Variation application 14/00153/DOV in 2015) i.e. the reports that were previously approved under Condition 30 and as part of the S.106.
- 3.3 To date, the completed coastal defence works (aside from any on-going maintenance required to be carried out by Avant Homes until the sea wall is transferred to the Council) include repair works to the vertical sea wall between the Gantry Jetty adjacent to the Experimental Casement and East Beach (referred to as **‘Part 1’** in Annexure 8 of the S.106). The remaining coastal defence works, to which this application relates, include the repair works required in the area stretching from the Coast Guard Station to the Gantry Jetty adjacent to the Experimental Casement (referred to as **‘Part 2’** in Annexure 8 of the S.106).
- 3.4 To address the quality issues referred to in paragraph 1.2, the applicant has provided an alternative proposal for the remedial works in the area known as Part 2. This has been prepared in liaison with Avant Homes’ appointed contractor Hesselberg Hydro and the Council, and is set out in **Appendix 1**.
- 3.5 It is important to note that the proposed repairs constitute maintenance improvements to ensure the lifespan of the coastal defences within the Shoebury Garrison area is extended. The works are not related to wider coastal defence considerations in the Borough including Shoebury Common, and do not (and cannot) constitute enhancements to the coastal defences above and beyond what was reasonably secured under the terms of the S.106 as being required as a consequence of the development by Avant Homes. The coastal defences, in conjunction with the set-back bund put in place by Avant Homes, at Shoebury Garrison have been designed on the basis of providing protection against a 1 in 200 year flood event.

- 3.6 In support of the application, Avant Homes have submitted a detailed plan outlining the proposed repairs and an accompanying specification for the hydraulic grade asphalt to be used. Essentially, Hesselberg Hydro intend to deposit a new layer of open stone asphalt (OSA) over the sound areas of previous repair. During the works, Hesselberg Hydro will ensure that a satisfactory concrete toe beam is in place to support the OSA, that any voids in the surface of the Essex Blocks are filled with Lean Sand Asphalt (LSA), and that the joints between the new material and the old are suitably sealed with mastic. Any groyne repairs that are required will also be carried out during the course of the works.
- 3.7 This alternative proposal for remedial works is considered to be an improved specification for repair. The Council's Coastal Defences Engineer is satisfied with the details submitted in support of this application pursuant to Condition 30. Mott MacDonald, who are acting in the capacity as independent expert advisers to the Council, have also offered assurances in respect of the submission. It is noted that Hesselberg Hydro has provided OSA on the existing revetment in other locations within Shoebury Garrison. OSA was placed under the Hesselberg Hydro Specification, on full revetment height panels on sections around 70m in length, and some of around 25m in length. This work was implemented some 10 years ago and remains in a satisfactory condition. Hesselberg Hydro OSA has also been used more recently on repairs to damaged OSA, which was not under the Hesselberg Hydro Specification. Such historical evidence demonstrates that the Hesselberg Hydro OSA can provide a suitable protection layer to the revetments, when the materials meet the specification requirements, and the OSA material is placed in accordance with the specification. It is understood that the existing OSA placed by Avant Homes' previous contractor was of an insufficient thickness and was not in accordance with the Hesselberg Hydro Specification. The proposed Hesselberg Hydro OSA for the new sections under discussion is to be placed in a 200mm thick layer, which will provide greater durability and protection from fatigue.
- 3.8 Avant Homes has offered a 2 year warranty from Hesselberg Hydro in respect of remedial works between groynes 1-25 only (Part 2 area) plus a 6 year contractor's warranty from Avant Homes relating to the same area of works. This offer is considered as a reasonable operational standard offering sufficient protection to the Council in terms of guaranteeing the work.
- 3.9 As the quality and laying of the OSA is an essential part of ensuring that the repair works are satisfactory, it is proposed that the Deed of Variation that will be drafted pursuant to application 17/00638/DOV includes clauses requiring the following:
- Before the carrying out of any repairs, Avant to submit a detailed Method Statement i.e. how HH propose to undertake the works
 - Before the carrying out of any repairs, Avant to submit a detailed Site Supervision Plan i.e. how HH and the Council/MM will inspect and test the laying of the material and submit to the Council the daily inspection and sign off sheets
- 3.10 Taking into account the opinion of the Council's in-house Coastal Defences Engineer and independent advice from Mott MacDonald, it is recommended that this application be approved, which will hopefully allow Hesselberg Hydro to carry out the repairs works before autumn 2017.

4. Planning Policy Summary

- 4.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG)
- 4.2 Core Strategy (DPD1) 2007 Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP4 (The Environment and Urban Renaissance)
- 4.3 Development Management DPD 2015
- 4.4 SPD1 Design and Townscape Guide 2009
- 4.5 SPD2 Planning Obligations – A Guide to Section 106 and Developer Contributions 2015

5. Representation Summary

- 5.1 **Coastal Defences Engineer:**
Confirmed submission is considered acceptable subject receipt of a detailed Method Statement and Site Supervision Plan.

6. Relevant Planning History

- 6.1 6 February 2004 (00/00777/OUT): Conditional outline permission granted for “Mixed use development comprising conversion of existing buildings and erection of new buildings for: parkland and open space; up to a total of 465 dwellings; up to 23,750sq.m of business floorspace (Class B1(a) and (B)); up to 1625sq.m of non-residential (Class D1) uses, including A. a health centre within the mixed use area, B. the former Garrison Church as a community hall, and C. the former battery gun store as a heritage centre; up to 5,900sq.m of leisure (Class D2) uses; up to 800sq.m of retail (Class A1); up to 600sq.m of financial services (Class A2) use; formation of hotel (Class C1) with approximately 40 bedrooms; land for a new school; erection of landmark residential building; construction of new access roads; and associated works.”
- 6.2 10 April 2014 (14/00367/AD): Details approved pursuant to condition 30 (details of sea wall repairs) of planning permission 00/00777/OUT dated 06/02/2004.
- 6.3 11 June 2014 (13/01743/RESM): Reserved matters approved pursuant to outline permission 00/00777/OUT including details relating to New Gunners Park infrastructure/facilities including childrens play area, toddlers play area, wheeled sports and multi-use games area, tennis courts, car parks, footpaths/cycleways and historic military structures.
- 6.4 15 January 2015 (14/00153/DOV): Modification of planning obligation dated 6 February 2004 pursuant to application 00/00777/OUT agreed, in particular clauses relating to New Gunners Park (including multi-use games and wheeled sports areas, tennis courts, children’s and toddler play areas, car parks, footpaths/cycleways), sea wall works, Heritage Centre and timescales for delivery.

- 6.5 24 March 2017 (16/01636/AD): Details approved pursuant to condition 05 (details of drainage infrastructure) of Planning Permission 00/00777/OUT dated 06/02/2004.
- 6.6 Current application 17/00638/DOV pending decision: Modification of planning obligation dated 6 February 2004 (as subsequently varied) pursuant to application 00/00777/OUT, in particular clauses relating to sea wall works and drainage infrastructure.

7. Recommendation

Members are recommended to:

Delegate authority to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning and Building Control to **agree the details** on the basis that 17128-SK103B, 'Specification – Hydraulic Grade Asphalt', Shoebury Garrison Sea Wall Revetment Remedial Works', 'Hesselberg Hydro: Proposed works to repair revetment March 2017', together with the following previously approved documents satisfy the requirements of Condition 30:- 'Sea Wall and Defences Maintenance & Repair Works report dated November 2001' and 'Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001'. This recommendation is **subject to completion of a Deed of Variation** under Section 106 of The Town and Country Planning Act 1990 (as amended) to secure the provisions set out in paragraph 3.9 of this report.

Informatives:

1. Please note that the Deed of Variation completed pursuant to application 17/00638/DOV sets out the changes that have been agreed by the Council since 6th February 2004 in relation to the following documents, which formed part of the original Section 106 agreement:-
 - Sea Wall and Defences Maintenance & Repair Works report dated November 2001
 - Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001
2. 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 methodology and supervision associated with the coastal defence repairs.

Appendix 1: Hesselberg Hydro/Avant's Proposed Sea Wall Revetment Remedial Works

1. All works on or in the beach will be under BacTec supervision.
 2. Loose material and over-thickness repair patches carried out by W H Roads (WHR) will be removed.
 3. Hesselberg Hydro (HH) will excavate down the face of the revetment to locate the concrete toe-beam which they had located at the locations of their previous repairs, and use this as the support for the new Open Stone Asphalt (OSA).
 4. Should the toe beam be absent in any locations, HH will construct a suitable substantial toe detail to prevent undermining of the new revetment using grouted rock, or extend the OSA revetment to 1m below the level of the top of the adjacent existing toe beam
 5. The existing OSA and Lean Sand Asphalt (LSA) material will be left insitu, and jet blasted to provide a clean surface. This will be overlaid with 200mm new OSA, suitably bonded to the existing with tack coat. Below the extent of the WHR overlay, ie on un-surfaced Essex Blocks below the beach, the new OSA will be applied to suitable additional thickness to provide a uniform surface profile for the whole repair depth.
 6. LSA will be available on site to fill any voids in the Essex Blocks which may become apparent during excavation.
 7. The top level of the 200mm OSA overlay will be constructed to a regular line about 4.0m down the slope from the foot of the crest wall, or at level 3.6m AOD, whichever is higher. This will be laid to create a uniform berm along the site at this level.
 8. The aggregate for the OSA will be either limestone, which is the usual material, or, subject to successful testing, gritstone. Subject to testing and economic availability, gritstone will be the material of choice.
 9. All joints between new material and old will be sealed with hot poured mastic.
 10. The works will extend from the fence set in the beach, west of groyne 1 and cover all of WHR's OSA work east of that point.
- Consents from MoD, Natural England and MMO will be arranged by Avant Homes.
 - HH will provide and fix new groyne boards as required along the frontage.