

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 11th September, 2019

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

3 Supplementary Report

**** **Contents List and Introduction**

**** **Reports on Applications with Pre-Meeting Site Visits**

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5 19/011111/FUL - Land to Rear of 6 Crosby Road, Westcliff-on-Sea
(Chalkwell Ward) (Pages 59 - 78)

6 19/01093/BC3 & 19/01094/LBC - War Memorial, Clifftown Parade,
Southend-on-Sea (Milton Ward) (Pages 79 - 94)

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Southend-on-Sea (St Laurence Ward) (Pages 95 - 112)

8 19/00033/UNAU_B - Sovereign Mews, 201-203 Hamlet Court Road,
Westcliff-on-Sea (Milton Ward) (Pages 113 - 130)

TO: The Chairman & Members of the Development Control Committee:

Councillor N Ward (Chair)

Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear,
F Evans, D Garston, S Habermel, D Jarvis, A Jones, H McDonald, C Mulroney,
A Thompson, P Van Looy and C Walker

PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the front of the Civic Centre at 10.45 a.m.

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 11th September 2019

WARD	APP/REF NO.	ADDRESS
Pre Site Plans Report		
Shoeburyness	19/00834/FULM	Land South of Campfield Road Shoeburyness
Chalkwell	19/01111/FUL	Land To Rear of 6 Crosby Road Westcliff-on-Sea
Milton	19/01093/BC3 & 19/01094/LBC	War Memorial Clifftown Parade Southend-on-Sea
St Laurence	19/00996/FULH & 19/00997/LBC	Cockethurst Eastwoodbury Lane Southend-on-Sea
Milton	19/00033/UNAU_B	Sovereign Mews 201-203 Hamlet Court Road Westcliff-on-Sea

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Corporate Director of Place, are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports:-

BLP	- Borough Local Plan
DAS	- Design & Access Statement
DEFRA	- Department of Environment, Food and Rural Affairs
DPD	- Development Plan Document
EA	- Environmental Agency
EPOA	- Essex Planning Officer's Association
DCLG	- Department of Communities and Local Government
NPPF	- National Planning Policy Framework
NPPG	- National Planning Practice Guidance
SPD	- Supplementary Planning Document
SSSI	- Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	- Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	- Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and NPPG
- (vi) Core Strategy
- (vii) Borough Local Plan

NB Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

DEVELOPMENT CONTROL COMMITTEE

Use Classes

- Class A1 - Shops
- Class A2 - Financial & Professional Services
- Class A3 - Restaurants & Cafes
- Class A4 - Drinking Establishments
- Class A5 - Hot Food Take-away

- Class B1 - Business
- Class B2 - General Industrial
- Class B8 - Storage or Distribution

- Class C1 - Hotels
- Class C2 - Residential Institutions
- Class C3 - Dwellinghouses
- Class C4 - Small House in Multiple Occupation

- Class D1 - Non-Residential Institutions
- Class D2 - Assembly and Leisure
- Sui Generis - A use on its own, for which any change of use will require planning permission

DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

1. Necessity

A site visit is only likely to be necessary if either:

- (i) The proposed development is difficult to visualise from the plans, photographs and supporting material; or
- (ii) There is good reason why the comments of the applicant and / or objector(s) cannot be expressed adequately in writing; or
- (iii) The proposal is particularly contentious; or
- (iv) A particular Member requests it and the request is agreed by the Chairman of DCC.

2. Selecting Site Visits

- (i) Members can request a site visit by contacting the Head of Planning and Transport or the Group Manager for Planning; providing the reason for the request. The officers will consult with the Chairman.
- (ii) If the agenda has not yet been printed, notification of the site visit will be included on the agenda. If the agenda has already been printed, officers will notify Members separately of the additional site visit.
- (iii) Arrangements for visits will not normally be publicised or made known to applicants or agents unless access is required to be able to go on land.

3. Procedures on Site Visits

- (i) Visits will normally take place during the morning of DCC.
- (ii) A planning officer will always attend and conduct the site visit, and will bring relevant issues to the attention of Members. The officer will keep a record of the attendance, and a brief note of the visit.
- (iii) The site will normally be viewed from a public place, such as a road or footpath.
- (iv) Representations will not be heard, and material will not be accepted. No debate with any party will take place. Where applicant(s) and/or other interested person(s) are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered having first explained to them that it is not the function of the visit to accept representations or to debate.

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Reference:	19/00834/FULM	<h1>4</h1>
Application Type:	Full Application Major	
Ward:	Shoeburyness	
Proposal:	Remove existing spoil heap, erect retail food store and part culverting of existing drainage ditch, layout parking, hard and soft landscaping and associated access	
Address:	Land South of, Campfield Road, Shoeburyness	
Applicant:	Lidl Great Britain Limited	
Agent:	Mr Miles Drew	
Consultation Expiry:	11th June 2019	
Expiry Date:	13 th September 2019	
Case Officer:	Charlotte White	
Plan Nos:	7587L-15, 7587L-16 Rev E, 7587L-17 Rev A, 7587L-18 Rev D, 7587L-19 Rev B, JKK10373_TRRP-600 Rev 01, JKK10373_TCP-500 Rev 00, 190370-200 Rev B	
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions	



1 Site and Surroundings

- 1.1 The application site is an irregular shaped parcel of land located to the south of Campfield Road and west of Barge Pier Road. The site currently contains a spoil heap. There is an existing vehicular access into the site from a roundabout to the east of the site. To the west of the site is a telephone exchange and residential dwellings in Ness Road, Estuary Mews and Maplin Mews. The land to the south of the site is undeveloped. To the east of the site are commercial and residential dwellings. The Hinguar School is located to the south-east of the site.
- 1.2 The site has no specific allocation within the Development Management Document's Proposals Map but is identified as an industrial/employment area within the Core Strategy Key Diagram. The site is located within flood zone 3. The Shoebury Garrison Conservation Area is located to the east of the site, beginning at the end of Westgate and New Garrison Road.

2 The Proposal

- 2.1 Planning permission is sought to remove the existing spoil heap on the site and erect a retail food store, layout parking, hard and soft landscaping and associated access.
- 2.2 The proposed food store would be located in the eastern part of the site with surface parking provided to the west. A new access road is to be constructed from the existing spur off the existing roundabout to the east of the site.
- 2.3 The proposed food store is single storey with a mono-pitched roof that measures some 39.2m in width, some 63.9m in depth and has a maximum height of some 7.3m. The proposed food store has a gross internal area of some 1,957sqm with a net sales area of 1,313sqm. Whilst the planning permission sought is for an A1 retail store, the information submitted with the application indicates that the store will be occupied by Lidl; a Limited Assortment Discounter (LAD) with 80% of the sales area used for the sale of convenience good and the other 20% used for the sale of comparison goods.
- 2.4 140 parking spaces are proposed, including 8 parent and child spaces and 9 accessible spaces. 10 covered cycle parking spaces are proposed to the north of the site. A delivery bay is proposed to the south of the store and vehicle tracking information has been provided.
- 2.5 A trolley park will be provided within the centre of the car park on the western part of the site.
- 2.6 It is also proposed to culvert part of the existing north-south ditch on the site so it can be crossed by vehicles and pedestrians.
- 2.7 The proposed building would be finished externally in render and painted white walls (RAL 9010) and metal insulated composite wall panels (RAL 9006) with a grey rendered and painted plinth (RAL 7038), a profiled, composite metal colour aluminium (RAL 9006) roof, a powder coated aluminium framed glazed entrance lobby, windows and shop front (grey RAL 7024).

- 2.8 The information submitted states that the proposed opening hours are between 07:00 and 22:00hrs Monday to Saturday and between 10.00 and 17.00hrs on Sunday. The proposed delivery hours are 06.00 to 23.00hrs Monday to Saturday and 08.00 to 20:00hrs Sunday.
- 2.9 The application has been submitted with a cover letter, contamination assessment, arboricultural impact assessment, energy usage and sustainability statement, planning and retail statement, design and access statement, acoustics report, archaeology desk based assessment, transport assessment, travel plan, preliminary ecological appraisal and flood risk assessment and drainage strategy.

3 Relevant Planning History

- 3.1 The following developments relate to the application site and the wider surrounding area in and around Gunners Park:
- 3.2 18/01975/FULM - Re-grading and retention of existing on-site spoil heap, erect 9 Commercial Units (Use Class B1/B8) with ancillary Trade Counter, 1 Retail Unit (unit 8) (Use Class A1) and 1 Unit (Use Class Sui Generis) for use as Vets (unit 1), layout Car Parking Spaces and Cycle Parking, construction of vehicular and pedestrian accesses from existing roundabout and layout soft landscaping – Pending determination.
- 3.3 14/01495/BC3M – Temporary storage of soil and install wheel cleaning apparatus at New barge Pier Road – Planning permission granted.
- 3.4 12/01198/BC3M - Temporary storage of soil and install wheel cleaning apparatus at New Barge Pier Road – Planning permission granted.
- 3.5 15/02053/OUTM - Erect 172 dwellinghouses and 14,130sqm of Offices (Class B1(a) and Health Centre (Class D1) (outline application)(Amended Proposal) – Planning permission granted.
- 3.6 14/00566/OUTM - Erect 172 dwellinghouses and 15000sqm of Offices (Class B1) (outline application) – planning application refused.
- 3.7 10/01829/FULM - Erect three storey building for use as Primary Care Centre (Class D1) incorporating entrance ramp with steps and balustrade to north boundary, lay out associated parking for 171 cars, 78 cycle spaces, ambulance bay and service yard, hard and soft landscaping, erect sub-station to east elevation and erect 1.1m high mesh fencing to boundary on land adjacent to Barge Pier Road – Planning permission granted.
- 3.8 06/00543/RES - Form wetland area/ balancing pond, new ditches and associated headwall structures, secondary flood defence bund with footway/ cycleway and associated works (approval of reserved matters following grant of outline planning permission SOS 00/00777/OUT dated 06/02/04) (retrospective) – Reserved matters granted.

- 3.9 00/00777/OUT - 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 (Outline) – Planning permission granted.

4 Representation Summary

Public Consultation

- 4.1 16 neighbouring properties were consulted, the application was advertised in the press and a site notice was displayed. 15 letters of objection have been received which make the following summarised comments:

- Design is unacceptable.
- Residential amenity concerns.
- Concerns relating to flood risk as the site is located on a flood plain/flood zone 3. Site is subject to coastal and pluvial/fluvial flooding. Concerns that the development will make flooding more likely. Increasing hardsurfacing will increase ground water flooding and will displace rainwater onto surrounding areas. Will impact existing water table. Flood risk report ignores the fact that Shoebury Common will only be protected to a 1 in 100 year defence, not the 1 in 200 year defence required in grade 3 floodplains. Climate change will increase the risk. Concerns that the flood risk assessment submitted is not adequate and is incorrect. Flooding occurs in the area. Exceptions test is tick box exercise. Car park will be built over water channel.
- Increase in traffic and congestion. Highway safety concerns and concerns relating to the safety of the school children. Concerns relating to access for articulated lorries which have a number of roundabouts and dangerous junctions to negotiate. Concerns that lorries have to reverse into loading bay. No health and safety information/protection policy provided. No explanation as to how lorries will exit the site. Will cause traffic delays. Concerns development will cause rat runs. Poor transport access. Junction of Ness Road and Campfield Road is the busiest junction in Shoeburyness and is dangerous – the junction needs resolving before any approval is given. Small roundabout at the entrance is unsuitable. Query whether road will be adopted by the Council.
- Concerns relating to the Transport Assessment submitted. An increase of 38 two-way trips could be a material impact. Will intensify the use of the local road network over and above what was previously approved, it could impact the operation of individual junctions. An assessment should therefore be undertaken. Concerns are raised in terms of the operational assessments undertaken, no queue length surveys have been collected, question the validity of the models, models ignore traffic associated with wider extant development. There is an underestimate of the likely volume of traffic that might be cumulatively anticipated. The Transport Assessment fails to demonstrate that the development can be satisfactorily accommodated on the local highway network. Further modelling is needed. Poor forward visibility causing road safety issues. HGVs turning into the site would overrun the centre-line of the access,

therefore if vehicles are waiting to egress the site, the HGV would be required to wait on the main carriageway before accessing the site. A road safety audit is therefore needed. Amended Transport Assessment is still inadequate.

- Suggestion that access to store should be from Campfield Road to avoid traffic passing around the roundabout by the school and would give closer access to No.9 bus stops.
- Out of keeping with the residential area and Conservation Area of the Garrison. Adverse visual impact on the landscape.
- Although development would create some employment, the previous application 15/02053/OUTM included 15 office blocks – employment losses to Shoeburyness as a whole.
- Concerns relating to the noise impact on neighbours due to extended operational hours, heavy good lorries, 142 parking spaces, night time servicing. Strict operating hour controls are needed.
- The NPPF states that where an application is likely to have significant adverse impact on the vitality and viability of a town centre, it should be refused and there is insufficient information for the Council to make an informed assessment of the impact of the proposed development. No full assessment has been undertaken – a full retail impact assessment should be submitted. Will impact other designated centres in terms of monetary trade and loss of opportunities for linked trips. The applicant makes assumptions that the Asda store continues to overtrade on the basis of an 8 year old report by CBRE in 2011 – there have been changes in the retail provision in the area since that time. Even if a store is overtrading it does not directly follow that planning permission should be granted for a new food store in an out of centre location. It is not appropriate to claim that Lidl do not compete with major retailers. The store will be replicating a retail offer which is currently available to the catchment area through the provision of other food stores. Unclear how the council would restrict the occupiers to a specialist or discount retailer. Would have little impact on the local Shoeburyness supermarket spend so the effect will be for most existing local supermarkets to lose around 20% of their business which could result in 2 or 3 local supermarkets closing.
- External light pollution from car park and building.
- Compromises air quality and cause air pollution.
- Application flies in the face of attempts to reduce pollution in Shoeburyness and would inflict pollution on school children. Would result in around 200 extra cars per hour arriving and departing at the roundabout by the school. Extra traffic would impact health of school children in particular. Trying to decrease car usage in the area.
- Detrimental to the environment and wildlife and would cause disruption to existing ecological environment and biodiversity including invertebrates, Great Crested newts, birds, foxes and plants.
- Loss of trees and nature conservation area.
- There should be a larger buffer between dwellings and the development.
- Too close to the school and will cause noise and health hazard to young children.
- Already food stores/supermarkets in the area – not needed.
- Concerns relating to the impact on the independent stores and smaller shops which will go out of business and result in more empty shops.
- Principle of having a large supermarket on site is accepted because it uses a space intended for employment.

- It provides competition for Asda.
- More noise and traffic pollution.
- Tests will be needed on the London Clay on the site.
- Need to consider whether it will increase employment overall or not.
- It is suggested only electric cars should be allowed to park in the supermarket car park or that a charge to park is imposed to try and reduce car usage.
- Infrastructure and surrounding road will not support the project.

4.2 1 letter of support has been received.

4.3 The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. Where appropriate, these issues are discussed in greater detail in subsequent sections of this report.

4.4 **SuDS Team**
No objection subject to conditions.

4.5 **Environment Agency**
No objection subject to conditions.

4.6 **Natural England**
No objection.

4.7 **Archaeology**
Archaeological monitoring is required to establish if further investigation is needed.

4.8 **Anglian Water**
No objection raised subject to conditions and informatives.

4.9 **Highways Team**
No highways objections to this proposal.

4.10 **Essex Fire Service**
No objections raised

4.11 **Environmental Health**
No objections raised

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), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space).

- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009)
- 5.5 Vehicle Crossing Policy & Application Guidance (2014)
- 5.6 CIL Charging Schedule (2015)
- 5.7 Southend-on-Sea Borough Council Employment Land Review Final Report (2010)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, flood risk, ecology, design, impact on heritage assets, residential amenity, parking, highways and transportation considerations, sustainability and CIL (Community Infrastructure Levy).

7 Appraisal

Principle of Development

- 7.1 Policy KP1 of the Core Strategy states *'The primary focus of regeneration and growth within Southend will be in Southend Town Centre and Central Area...In addition, appropriate regeneration and growth will be focused in the following locations...Shoeburyness – to promote the role of Shoeburyness as a place to live and work, led by the successful redevelopment at Shoebury Garrison, regeneration of local shopping centres and existing industrial estates to secure an additional 1,500 jobs, and providing for 1,400 additional dwellings, linked to improved access and subject where relevant to the safeguarding of the biodiversity importance of the foreshore.'*
- 7.2 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 uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 7.3 Policy DM3 of the Development Management Document states *'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.'*
- 7.4 Policy KP2 of the Core Strategy states *'All new development, including transport infrastructure, should contribute to economic, social, physical and environmental regeneration in a sustainable way...'*
- 7.5 Policy CP1 of the Core Strategy states *'Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of*

regeneration and the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area. To promote economic reeneration, development will be expected to...contribute to the regeneration and development of existing and proposed employment sites, the Town Centre and Seafront, existing industrial areas and other Priority Urban Areas, improve the vitality and viability of Southend town centre, the district centres of Leigh and Westcliff and smaller local centres...'

- 7.6 Policy CP2 of the Core Strategy states *'Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses...The centres of Westcliff (Hamlet Court Road) and Leigh will be supported as District Centres providing a range of local comparison shopping, convenience shopping and services for the neighbouring communities. Existing centres elsewhere will be supported as local centres only, meeting chiefly the day to day convenience needs of their local communities....Additional comparison goods floorspace, to be located in accordance with the sequential preference: 1. Within Southend Town Centre; 2. On the edge of Southend Town Centre...Additional convenience goods floorspace, to be located in accordance with the following sequential preference: 1. Within Southend Town Centre; 2. On the edge of Southend Town Centre...3. Expansion or provision in other existing centres, where the development is in-keeping with the function and scale of the centre concerned, to facilitate their improvement, modernisation and adaptation, and to meet locally generated needs...Any proposals not in accordance with the above hierarchy and sequential preferences will be required to demonstrate that: 1. There is a need for the proposed development...2. It would not prejudice the role of Southend Town Centre as a regional centre...3. A sequential approach and test has been rigorously followed in selection of the site...4. There are no unacceptable impacts on any other existing centres.'*
- 7.7 Policy DM10 of the Development Management Document states *'Development that contributes to the promotion of sustainable economic growth by increasing the capacity and quality of employment land, floorspace and jobs will be encouraged.'*
- 7.8 Table 8 of Policy DM11 of the Development Management Document identifies employment areas and Shoebury Garrison (Phase 1) is identified as an employment growth area and Campfield Road is identified as an existing industrial/business estate. Policy DM11 states *'Major redevelopment proposals within the Employment Areas (Policy Table 8) should seek to make provision for a range of flexible unit sizes including accommodation that supports small and medium sized enterprises...The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas...The Employment Growth Areas identified in column 1 of Policy Table 8 will be promoted as locations for increased modern employment floorspace.'*
- 7.9 Paragraph 120 of the NPPF states *'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs...and b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.'* Paragraph 121 of the NPPF states *'Local*

planning authorities should also take a positive approach 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.'

- 7.10 Paragraph 85 of the NPPF states *'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.'*
- 7.11 Paragraph 86 of the NPPF states *'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available(or expected to become available within a reasonable period) should out of centre sites be considered.'*
- 7.12 Paragraph 89 of the NPPF states *'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold (if there is no locally set threshold, the default threshold is 2,500sqm of gross floorspace).'*
- 7.13 The site has no specific allocation within the Development Management Document, but this general area is identified as an area for industrial/employment purposes within the Core Strategy's Key Diagram. However, in this respect, it is noted that the Core Strategy Key Diagram is dated now, adopted in 2007, and this allocation was not taken forward within the Development Management Document, whereas areas of the land to the north and east of the site are specifically allocated for employment purposes within the Development Management Document. It is also noted that other uses have previously been permitted within this area. For example, under application reference 15/02053/OUTM, outline planning permission was granted to construct 172 dwellinghouses, along with 14,130sqm of offices and a health centre on the wider site.
- 7.14 It is also noted that the application site is only a small part of the wider 'Old Ranges' area that is identified in the Core Strategy Key Diagram for industrial/employment uses and that there is a current application (under reference 18/01975/FULM) which is pending consideration relating to the land to south of the application site which seeks to provide, amongst other things, nine commercial (B1/B8) units. The Southend-on-Sea Borough Council Employment Land Review 2010 states at Paragraph 6.9 *'To support Core Strategy objective of 1,500 jobs in Shoeburyness, 4.3ha of the Garrison site will be required and this would support 25,800sqm of floorspace to meet future requirement in other urban locations. This however is in excess of demand and could potentially compete with other locations such as the town centre, A127 and central fringe. To meet forecast demand in this area a minimum of 3.2ha is required to support 19,00sqm by 2021. The use of the remaining land (should be determined through the production of the Shoeburyness AAP [Areas Action Plan]), which can consider the site alongside other employment sites in Shoeburyness such as Vanguard Way.'* It is apparent that the 'Old Ranges' allocation constitutes over 9 hectares of land. The application site is just under 1 hectare. As such it is not considered that this proposal would materially undermine the ability of the site to provide employment land, as necessary in future.

- 7.15 It is also noted that the information provided with the application states that the proposal will lead to the creation of 20 full-time equivalent jobs on a site which is currently used to store spoil.
- 7.16 On balance, in the circumstances of this case, no objection is raised to the redevelopment of this site for a use falling outside employment purposes within the meaning of Policy DM11.
- 7.17 The proposed gross internal area is some 1,957sqm with a proposed sales area of 1,313sqm. There is therefore not a requirement under national and local policy for the application to be submitted with a retail impact assessment. However, the application has been submitted with a Planning and Retail Statement which the Council has had independently reviewed.
- 7.18 The submitted Planning and Retail Statement includes information about Lidl which is a Limited Assortment Discounter (LAD) which typically sells no more than 2,000 products. It is stated *'Lidl does not stock convenience goods such as tobacco, or individual confectionary items and stocks limited pre-packed fish and meat and individual fruit and vegetable products. This places it in a different market from most independent retailers. The same issues, coupled with the lack of post office, pharmacy, delicatessen, financial products or other in-house facilities mean that the overlap with conventional supermarkets is limited. Lidl stores also offer a limited range of non-food items which typically occupy about 20% of the sales area...Delivering the LAD business model has consequences for the design and layout of Lidl's stores. A critical component of the business model is the size and configuration of the store...The restriction that this places on the ability of Lidl to be 'flexible' in its format is relevant to the sequential approach.'*
- 7.19 The Planning and Retail Statement considers Southend Town Centre, commenting that there are 65 vacant units within the Town Centre and concludes that the Town Centre continues to perform its regional centre role and is viable and not particularly fragile at this time. In relation to the Shoeburyness Local Centre, it is stated that this centre serves a local function catering for the needs of the residents of Shoebury and is likely to cater for top-up shopping requirements rather than bulk shopping. The report considers the North Shoebury Local Centre which is dominated by the larger Asda food store and states that Asda is almost certainly a key shopping destination for local residents and suspects it has a wide trade draw and it is anticipated that the store continues to significantly over-trade. The report considers that the Thorpe Bay Local Centre, due to the scale of the stores means that they are unlikely to be capable of meeting bulk shopping requirements and are instead only likely to be used to perform top-up shopping function. It is stated that apart from Sainsbury's in the Town Centre and Asda there are very few shops located in centres that are capable of meeting bulk shopping requirements.
- 7.20 In relation to the Town Centre, the Planning and Retail Statement submitted concludes *'The Town Centre continues to perform its regional centre role...a Lidl store in Shoeburyness with a comparison shopping area limited to circa 262sqm, that will offer a continually changing comparison product line is highly unlikely to have any impact on the Town Centre comparison offer or any planned investment in the comparison offer. When combined with the lack of competition between the proposed store and the Town Centre convenience offer, we conclude that the outcomes in relation to the Town Centre will be neutral and that there will be no impact on vitality and viability.'* The

report considers the impacts on any planned investment in the Town Centre, but taking consideration of the SCAAP, the submitted report concludes *'...there are no planned developments within the Town Centre Primary Shopping Area that propose development which would compete directly with the proposed Lidl store...there is no planned or committed development in the Town Centre Primary Shopping Area that would be adversely impacted by the proposed development.'*

7.21 In relation to the Local Centres, the Planning and Retail Statement concludes *'...all of the Local Centres are performing well in their role, and that all are supported by small convenience store capable of meeting 'top-up' needs. Neither Shoeburyness nor Thorpe Bay contains a food store capable of meeting main food shopping needs and so the proposed Lidl store will be complementary to, rather than compete with, those centres. There is a large format food store at North Shoebury, but...evidence suggests that this store is substantially over-trading and so it could absorb some diversion of trade to Lidl without turnover dropping below company benchmark and without any consequent effects on the vitality and viability of North Shoebury centre.'*

7.22 Overall, the Planning and Retail Statement concludes that *'...there will be no significant adverse impact on the Town Centre, or on the District Centres, as a result of Lidl's proposals.'*

7.23 In terms of the sequential test, the Planning and Retail Statement states *'Although we have identified some 65 vacant sites in the Town Centre, the vast majority of these are small in size, ranging from 30sqm to 500sqm in gross floor area.'* The report does, however, consider the larger units in the Town Centre:

- 107-109 High Street (previously occupied by Mothercare and Bargain Buys). This unit has been concluded to be unsuitable due to the insufficient size of the unit and the lack of surface level car parking.
- 36-44 High Street (previously occupied by BHS). The report concludes that this unit is no longer available as Primark are intended to relocate to this unit. The configuration of 2 levels also makes the site unsuitable for the proposal.
- Existing Primark store in the Royals – this store will continue to be occupied until the operators relocate which may not happen for at least 12 months. It is also located over 2 storeys and parking is provided in a multi-storey with its lifts and stairs physically separated from the unit and the lifts are considered too small for trolleys and this unit is therefore unsuitable even if there was a prospect of it becoming available in the future.

7.24 The submitted report also considers the SCAAP allocated sites and provides commentary on each:

- Site PA7.1 – Tylers – the SCAAP identifies this site to provide a residential-led, mixed use development. A LAD food store will not deliver the aspirations that the LPA have for this site. The site is not suitable and is still being operated as a car park and is therefore currently not available in any event.
- Site PA4.1 – Better Queensway Project – the submitted report states that the development should be led by the delivery of social housing with some secondary town centre uses which excludes a food store of the scale proposed and this site is therefore unsuitable and it is noted that it is not possible to demonstrate that the site will be available in a reasonable time.
- Site PA8.1 – Victoria Avenue – It is stated that the SCAAP contemplates

development across this collection of sites to provide residential and office uses. It is not evident that the site is available or being promoted for redevelopment and it is therefore concluded that this site is unavailable and unsuitable.

- 7.25 The submitted the Planning and Retail Statement submitted therefore concludes that whilst more centrally located sites have been identified, none offer a reasonably suitable or available alternative to the proposed food store in Campfield Road.
- 7.26 The Council has had the submission and the submitted Planning and Retail Statement independently reviewed. This independent review concludes *'No significant adverse impact is envisaged on the town centre or district centres, due to the peripheral location of the proposed Lidl store and its localised catchment area. Nearby local centres will be the most affected designated centres. Trade diversion from Shoeburyness and Thorpe Bay local centres is expected to be relatively low because convenience good outlets within these centres are small, focusing on top-up grocery shopping rather than main/weekly food and grocery shopping trips. The vitality and viability of these town centres is unlikely to be harmed, recognising that population expenditure and growth will help to offset any trade diversion. Trade diversion is likely to be more significant from the Asda store at North Shoebury, but trade diversion (around £4.3 million) is not significant in relation to the store's total turnover, potentially £50 million or more. The loss of trade is focused on the Asda store and other shops and services in North Shoebury local centre are unlikely to be significantly affected.'* The report suggests that should planning permission be granted a planning condition be imposed requiring the development to be occupied by a discount food store that does not occupy more than 2,00sqm GIA and that no more than 20% of the sales area (1,313sqm) should be devoted to comparison goods.
- 7.27 In terms of the sequential approach, the independent review concludes that whilst *'There are large units potentially available within Southend town centre that could provide a sales area of around 1,000sqm net or more on one level...none of these opportunities have adjacent surface car parking for customers and the suitability of these units for a large discount food store is questionable. There appear to be no large opportunity sites in local centres and the expansion of these local centres is constrained by surrounding residential uses. The availability of retail sites allocated within the SCAAP to accommodate a discount food store within a reasonable period of time appears doubtful, and a food store of around 1,500sqm may be incompatible with the SCAAP objectives for each area. Furthermore, a food store of the size proposed in Southend town centre would not serve the same catchment area. The central area is already well served by discount food stores. Based on the information available the sequential test has been satisfied.'*
- 7.28 While not all aspects of the case put forward by the application are accepted, given the information provided and the advice received within the independent review, it is considered that the development would not result in any material harm to the vitality and viability of the Town Centre, District Centres or Local Centres. It is considered that there are no suitable and available alternative sites within the Town Centre, or edge of centre and therefore the proposal passes the sequential test.
- 7.29 The development is acceptable and policy compliant in the above regards and no objection is raised to the development in principle on this basis.

Flood Risk and Drainage

- 7.30 Paragraph 155 of the NPPF states that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*
- 7.31 Paragraph 157 of the NPPF states *'All plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test...'*
- 7.32 Paragraph 158 of the NPPF states *'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.'*
- 7.33 Paragraph 159 of the NPPF states *'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.'*
- 7.34 Policy KP1 of Core Strategy states that all development proposals within flood risk zones *"shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk"*. It is also noted that *"development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options."*
- 7.35 The application has been submitted with a Flood Risk Assessment (FRA) and Drainage Strategy.
- 7.36 The submitted FRA states that the site is *'located approximately 400m north of the River Thames Estuary, approximately 100m to the south of the site, the Barge Pier Ditch flows southwards, adjacent to New Barge Pier Road, towards the Estuary....During the initial drainage works of the wider Garrison Site, flows from the urban catchment (56 ha) to the north were diverted from Barge Pier Ditch just south of Campfield Road into a newly constructed flood alleviation ditch referred to...as the C-X Ditch...This allowed a section of Barge Pier Ditch to be infilled to facilitate development...The C-X Ditch bisects the development site from north to south...a footbridge is proposed as well as a length of culvert over the ditch in order to provide access and connect the east and west halves of the site.'*
- 7.37 The application site is located in flood zone 3 (high probability of flooding). The submitted FRA recognises that the commercial development proposed constitutes a 'less vulnerable' development.

- 7.38 In terms of the sequential test the submitted documents state that, as set out in the Planning and Retail Study submitted, there are no available or suitable more centrally located sites for the development. The report then goes on to consider whether there are any other out-of-town locations that would be suitable for the development, focusing on Shoeburyness. In this respect, consideration has been given to the sites identified in the Strategic Housing and Employment Land Availability Assessment (HELAA) (2018) and concludes having considered such sites that *'there are no opportunities to accommodate the proposed development on sites within Flood Zone 1 or 2, and that the sequential test, in relation to flood risk, is passed.'*
- 7.39 Officers consider that there are no reasonably available sites with a lower probability of flooding, which could support the development proposed. As such the development passes the sequential test. It is also noted that the sequential test was previously considered to have been passed under reference 15/02053/OUTM.
- 7.40 In terms of the exceptions test, the submitted FRA states that because the proposed development constitutes a 'less vulnerable' use there is no requirement to apply the exceptions test. Officers concur with this conclusion.
- 7.41 The FRA concludes that there is a residual risk of tidal and sewer flooding and a low risk of fluvial, groundwater and surface water flooding.
- 7.42 The FRA states *'The anticipated peak flood level on site during the 1 in 200 year plus climate change tidal breach event is 5.61m AOD resulting in a flood depth in the order of 2.81m when ground levels on site are returned to within +/- 100mm of 2.85m AOD. The residual risk of flooding from tidal sources can be mitigated through adoption of flood resistant and resilient construction materials into the design of the building to minimise flood impact and facilitate a quicker recovery time. An evacuation route has been proposed off site and it is recommended that the owners/managers of the site are signed up to the EA Flood Warning Service. It is recommended that finished floor levels for the development should be raised as a minimum, 300mm above adjacent ground levels so as to prevent any potential ingress of surface water or mitigate against any residual risk of flooding from other sources. Ground profiling of the site should slope towards the C-X Ditch and away from development.'*
- 7.43 The FRA further states *'The proposed surface water drainage strategy will discharge surface water from the proposed development into the C-X ditch that flows through the site.'*
- 7.44 The submitted FRA therefore concludes that *'The proposed development will not increase flood risk offsite whilst remaining safe for the lifetime of the development...'*
- 7.45 The Environment Agency (EA) has raised no objection to the proposed development. The EA has confirmed that the site is located within Flood Zone 3a with a high probability of flooding and that the proposal is classified as a 'less vulnerable' development and as such the development is required to pass the sequential test. The EA states *'The site is currently protected by third party (Southend Unitary Authority) flood defences with an effective crest level of 5.04m AOD so is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event...'* In terms of residential risk, the EA have commented *'The site could experience breach flood depths of up to 4.0m during the 0.5% (1 in 200) annual probability including climate change breach flood event an up to 4.50m during the 0.1% (1 in 1000) annual probability including*

climate change breach flood event (up to the year 2110)....Therefore...the flood hazard is a danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change. Finished ground floor levels have been proposed at 3.25m AOD. This is below the 0.5% annual probability breach flood level including climate change of 6.95AOD and therefore at risk of flooding by 3.70m depth in this event. There is not refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change of 7.45m AOD...A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access/ with internal flooding in the event of a breach flood.'

- 7.46 The comments from the EA also recognise that the site benefits from flood defences which defend Southend to a 1 in 1000 (0.1%) annual probability standard of protection and that the site is influenced by the Thames Estuary 2100 (TE2100) Plan. The site is located within the Leigh and Southend unit of TE2100 which has a designation of policy P4. Policy P4 seeks to take further action to keep up with climate and land use changes so that flood risk does not increase. If the defences are able to be raised, the proposed development will be protected from flooding during the 1 in 1000 annual probability event in line with climate change.
- 7.47 The Council's SuDS Engineer has raised no objection to the proposal subject to a condition requiring a detailed design of a surface water drainage system to be submitted. Subject to such a condition no objection is raised on this basis.
- 7.48 Subject to conditions, the development is found to be acceptable and policy compliant in respects of flooding, flood risk and drainage.

Design and Impact on the Character of the Area and Impact on Heritage Assets

- 7.49 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."*
- 7.50 Paragraph 124 of the National Planning Policy Framework 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.'*
- 7.51 In the Council's Development Management Document Policy DM1 states that 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."*
- 7.52 Policy KP2 of the Core Strategy states that new development should *"respect the character and scale of the existing neighbourhood where appropriate"*. Policy CP4 of the Core Strategy requires that development proposals should *"maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development"*.

- 7.53 Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 7.54 Paragraph 193 of the NPPF states *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 7.55 Paragraphs 195 and 196 of the NPPF states *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss if necessary to achieve substantial public benefits that outweigh that harm or loss...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 7.56 Policy DM5 of the Development Management Document states *'Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.'*
- 7.57 The site currently contains an existing spoil heap which would be removed as part of the proposals. The scheme therefore involves significant level changes at the site. In terms of scale, the proposed main building is single storey in nature with a maximum height of some 7.2m with a mono-pitched roof that slopes up from Barge Pier Road. There are a mixture of scales in the wider area with the 2-3 storey Hinguar School to the south-east of the site, large commercial units to the north-east and single and two storey residential and commercial buildings to the north and west of the site. Given this mixture of scales and given the location of the site on a corner plot, fairly removed from the nearest adjoining buildings, the size, scale, mass and bulk of the development is considered acceptable and would not result in any material harm to the character and appearance of the site or the wider surrounding area.
- 7.58 The proposed food store is of a contemporary appearance with a mono-pitched roof and is to be finished in modern materials. The building has been designed to have a large glazed elevation fronting Campfield Road which is positive, providing an active frontage to the main thoroughfare. The return frontage to Barge Pier Road lacks a similar active frontage which is unfortunate. The submitted plans indicate that this prominent elevation will have a render finish which could lack interest. In this respect, it is considered that a condition can be imposed on any grant of consent which, notwithstanding the submitted plans, requires revised materials to add interest (e.g. brick detailing and the use of public art). The submitted plans also indicate that there will be a significant area of soft landscaping provided on the site between the store and Barge Pier Road which would soften this elevation. The design and appearance of the

culvert and pedestrian bridge are acceptable and would not harm the character and appearance of the area. The plant area is also prominently located, with limited details of its enclosure provided and a condition is therefore required on any grant of consent in this respect in the interests of the character and appearance of the area. Subject to conditions in this respect no objection is therefore raised on this basis.

- 7.59 In terms of siting, the proposed main building will be located in the north-eastern corner of the site with the car parking provided to the west. This siting is considered acceptable with the parking being, largely, in a more discrete part of the site. Subject to a condition requiring full details of the hard and soft landscaping proposed, to soften the large car parking areas, no objection is therefore raised on this basis.
- 7.60 The Shoebury Garrison Conservation Area is located to the east of the site. Given the distance from the site to the Conservation Area (in excess of 100m) and given the intervening buildings, it is considered that the development would preserve the character, appearance and setting of the nearby Conservation Area.
- 7.61 The application has been submitted with an archaeology desk-based assessment which states *'Borehole data shows that the site lies within an area of estuarine alluvium derived from the River Thames Estuary, which has the potential to contain microfossils and flora and faunal macrofossils which could shed light on past environmental changes. These would be of low to medium significance. There is a moderate to high potential for prehistoric remains. The site lies on alluvial floodplain at the edge of River Terrace gravels. This would have been a suitable location for prehistoric settlement, on dry land but with easy access to predictable resources of the River Thames Estuary and the floodplain marsh. This is attested to by the high number of prehistoric finds and features listed on the Southend Borough Council Historic Environment Record. The Scheduled remains of a defended promontory enclosure of late prehistoric date are located to the east of the site in the vicinity of the Shoebury Garrison complex; excavations in this area during the late 1990s revealed evidence of activity ranging in date from the Mesolithic to the Iron Age. Evidence of prehistoric activity, if encountered, may thus be assessed as being of at least medium (i.e. regional) significance depending on its nature and extent. The potential for all other periods is considered to be low...'*
- 7.62 The submitted archaeology report concludes, *'in view of the significant potential to encounter prehistoric and palaeoenvironmental remains, it is recommended that archaeological monitoring take place on any proposed preliminary geotechnical investigations on the site....further investigations may be required, possibly in the form of an archaeological evaluation to clarify the nature, date and significance of any remains identified. The remains would inform an appropriate mitigation strategy which might comprise targeted archaeological excavation in advance of construction and/or a watching brief during ground works for remains of lesser significance, in order to ensure that archaeological assets are not removed without record.'*
- 7.63 The Council's Archaeology Officer has considered this application and has requested that archaeological monitoring takes place. Subject to a condition in this respect no objection is therefore raised on this basis.

- 7.64 The application has been submitted with an arboricultural impact assessment which states *'The site is not heavily treed with a small number of trees along the Campfield Road and those found within the scrub and bramble around the western section being most notable...The site in terms of vegetation, in general terms, is untidy and dishevelled with severe bramble encroachment in areas...A total of 18 individual and one group of trees were recorded during the survey. Of the 18 individuals, six were deemed to be of moderate quality (Category B), ten of low quality (Category C) and the remaining two of poor quality (Category U). The one group surveyed was considered low quality and therefore Category C.'*
- 7.65 It is proposed to remove all of the trees on the site to facilitate the development. The Arboricultural Impact Assessment states *'It is understood that the development will not be incorporating new planting into the design due to the limited space available within the site and the desire to maintain adequate store visibility within the locale. While this is unfortunate, it is certainly the case that space is limited and the existing trees are largely low quality so in terms of arboricultural loss it is not to the significant detriment of the local area.'* However, the submitted plans indicate that significant areas of landscaping will be provided to the north, east and western parts of the site and the Design and Access Statement submitted indicates that *'the western part will form a car park with a broad landscaped strip around its boundaries'* and it is stated *'soft landscaping will be delivered across the site in the form of ornamental ground cover.'* It will be important that appropriate planting and soft landscaping is undertaken at this site in the interests of the character and appearance of the site and the wider surrounding area. It is considered that there is space within the indicative landscaped areas to provide tree planting, which will be fundamental to the ecology of the site as well, as discussed elsewhere in this report. Subject to a condition requiring full details of the soft landscaping, to include not less than 42 trees, no objection is therefore raised on this basis.
- 7.66 Subject to conditions, it is therefore considered that the development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.67 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.68 Given the location of the proposed food store on a corner plot and its significant separation from the nearest residential dwellings, it is considered that the development would not result in any material harm to the adjoining and nearby residents in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing, a material sense of enclosure or overlooking and loss of privacy.
- 7.69 Given the nature and size of the development and the associated car park proposed and given the proximity of the car park to residential dwellings, particularly to the west of the site, it is considered that the development could result in noise and disturbance to adjoining residents if this is not appropriately mitigated.

- 7.70 The application has been submitted with a noise impact assessment which states *'The nearest residential property to the west is approximately 100m from the loading bay, The nearest dwellings to the east are set back on St Georges Lane at a distance in excess of 200m whilst the nearest point of the school building is approximately 70m from the edge of the loading bay. The loading bay will comprise a single enclosed dock leveller and all unloading activity will, therefore occur within the vehicle or within the building – there will be no external unloading activity...Deliveries will be by means of HGV with a normal schedule of up to two deliveries per day but increasing to two to three deliveries per day for peak shopping periods at Christmas and Easter. External plant items will be located within a dedicated compound on the eastern side of the loading bay and adjacent to the traffic island. The centre of the plant area will be approximately 120m from the nearest residential façade and is positioned in such a way to be screened from the nearest residential dwellings. The plant will comprise 2no dry air coolers and 2no heat pumps. The heat pumps operate in a reduced mode when the store is closed. It is expected that the new store will open between 07.00 to 22.00hrs Monday to Saturday including Bank Holidays and between 10.00 and 17.00 on Sunday. Deliveries may need to occur outside of these times.'*
- 7.71 The noise impact assessment concludes that *'...the nearest dwellings would fall into the category of 'low impact' during the day and night with all plant operating...the calculated plant noise levels are significantly lower than typical ambient and background sound levels during the quietest periods of the day and night. This would indicate that the plant noise will be masked by this general noise. For the new school to the south east...the calculated noise level at 50m without any screening is LAeq 25dB. It is noted that this level is more than 10dB below the typical existing daytime background levels and is unlikely to be noticeable at the school.'*
- 7.72 The noise impact assessment states *'The delivery bay will be located on the southern side of the new building at approximately 100m from the nearest residential facades to the west. The yard area for vehicle reversing into the dock will be approximately 90m from the nearest dwelling. The standard delivery schedule for this size of store requires up to two deliveries per day. Delivery vehicle movements occur for less than a minute during arrival and departure...Noise impact from deliveries would comprise arrivals and departure of the vehicle each of which would last less than a half minute. The vehicle movement will be at low speed and, typically, of the order of 5mph. Given the low speed of movement, the vehicle will operate at low revs at all time. Once parked for unloading the engine is switched off and there is no noise attributed to the vehicle until completion of unloading which is leaves the site...noise experienced at the nearest residential façade from the movement of HGV delivery vehicle at the new store during the quietest daytime background period would fall into the BS 4142 category 'low impact' by a significant margin.'*
- 7.73 In terms of reversing alarms, the noise impact assessment concludes *'The predicted levels are significantly below existing background and ambient sound levels at the site. This existing noise will have a significant masking effect and alarm noise would not be expected to have any significant impact upon the dwelling.'* In terms of unloading noise, the report submitted states *'The use of a dock leveller ensures that all unloading operations are enclosed within the trailer or store building....The calculations indicates that predicted noise from unloading at the nearest residential façade falls into the BS 4142 category of 'low impact' for the period of lowest background noise...the predicted levels at the dwellings are significantly below existing background and ambient sound*

levels. This existing noise would have a significant masking effect and it is probable that noise from unloading would not be noticeable at the dwellings.'

- 7.74 The noise impact assessment concludes that noise generated by deliveries would be expected to achieve a BS 4142 condition of low impact at the nearest dwellings between 06.00-23.00hrs Monday to Saturday and between 07.00 and 21.00 on Sunday.
- 7.75 The submitted report concludes '*...the site and adjacent dwellings are subject to a reasonable level of traffic noise from the adjacent roads and it is considered unlikely that activity noise associated with the proposed store would be noticeable above this existing noise climate...it is considered unlikely that the proposed new store development will have any significant noise impact upon the nearest existing dwellings adjacent to the site or upon the school building to the south east.'*
- 7.76 Despite the final conclusions of the noise impact assessment submitted, the report does not explicitly consider the impact of the proposed car parking on the adjoining residents. The car park, given its scale and location has the potential to result in noise and disturbance to adjoining residents from noise from engines, radios, etc. It is considered that a condition can be imposed in this respect, requiring the submission of a further assessment and any necessary mitigation in this respect, subject to such a condition no objection is raised on this basis. The Environmental Health Officer has recommended delivery hours are restricted to 07:00 to 23:00 Monday to Saturday and 08:00 to 20:00 Sunday, which can be controlled via condition.
- 7.77 Subject to conditions, the development is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.78 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. For developments that generate significant amounts of movement, a supporting Transport Statement or Transport Assessment should be provided...All development should meet the parking standards (including cycle parking)...*'
- 7.79 The application has been submitted with a Travel Plan and a Transport Assessment.
- 7.80 The Transport Assessment states '*the site has good levels of accessibility to non-car modes of transport. Access to the site for pedestrians and cyclists is of good standards...The site layout has been designed to allow for servicing movements into and out from the site in a forward gear...The trip generation exercise has demonstrated that during a weekday the proposed development will generate similar levels of traffic compared to the approved levels of 15/02053/OUTM...the proposed development is estimated to generate 11 trips less on the AM Weekday peak and 38 trips more on the PM Weekday peak...Following the modelling and assessment of four junctions at the surrounding network during the peak time of traffic on a Weekend, it was shown that all junctions are operating well within capacity with minimal delays and low levels of queues. The estimated traffic of the proposed development is expected to have minor impact on the operation of the four junctions since the additional traffic represents a*

small proportion of the total traffic flows of the network.'

7.81 The Council's Highways team has commented that the proposed layout is acceptable and conclude that all vehicles can manoeuvre effectively within the site. Highways confirm that the trip generation information submitted demonstrates that the proposal will generate a similar level of traffic movements as the previously approved scheme in 2016. The Highways Team confirm that the traffic surveys and modelling provided for the 4 junctions demonstrate that all junctions are operating within capacity with minimal delays and the estimated traffic from the proposed development is expected to have a minor impact on the operation of the four junctions.

- A13/Caulfield Road/Delaware Road/Elm Road roundabout
- A13/Caulfield Road/Seaview Road staggered junction.
- Campfield Road/New Garrison Road junction.
- B1016 Ness Road Junction between Fremantle and Waterford Road

Highways therefore conclude that the Transport Assessment has demonstrated that the proposal will not have a detrimental impact on the surrounding area.

7.82 The Council's adopted parking standards set out the following maximum standards for A1 shops:

- A1 – shops – food – maximum of 1 space per 14sqm.
- A1 – shops – non-food – maximum of 1 space per 20sqm.

7.83 As such the maximum parking requirements for the development are 140 spaces.

7.84 This proposal seeks to provide 140 spaces in accordance with the maximum parking standards. The parking proposed includes 9 accessible spaces and 8 parent and child spaces. The Highways team has commented that a detailed parking analysis has been provided based on other food stores of this size which confirms that the parking capacity within the site can accommodate both weekday (12.00-13.00) and weekend (11.00-12.00) peak parking demands. The parking provisions proposed are therefore considered acceptable and policy compliant.

7.85 The minimum cycle parking standards applicable to this proposal are 1 space per 400sqm for staff and 1 space per 400sqm for customers. As such this proposal would be required to provide a minimum of 10 covered and secure cycle parking spaces. The information submitted with this application indicates that 10 covered and secure cycle parking spaces will be provided to the north of the site. Subject to a condition in this respect no objection is raised on this basis.

7.86 Limited details have been provided in terms of refuse storage and collection. It is considered that this can be satisfactorily accommodated within the development and that a condition can be imposed on any grant of consent in this respect.

7.87 The application has been submitted with a Travel Plan which commits to achieving the minimum number of single occupancy car traffic movements to and from the development, reducing reliance upon the car and improving awareness and usage of alternative modes, promoting walking, cycling, public transport and car sharing, minimising the total travel distance of staff and customers and promoting healthy lifestyles and sustainable, vibrant communities, accessible by all. A number of measures are proposed in this respect including providing travel packs to employees, providing a travel information noticeboard within the staffroom, travel surveys will be

undertaken and a travel plan coordinator will be appointed. The Travel Plan submitted is considered appropriate and no objection is raised subject to a condition requiring the development to be undertaken and operated in accordance with the submitted travel plan.

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

Ecology

7.89 Paragraph 170 of the NPPF states *'Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...minimising impacts on and providing net gains for biodiversity...'*

7.90 Paragraph 175 of the NPPF states *'When determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted...opportunities to incorporate biodiversity improvements in and around development should be encouraged especially where this can secure measurable net gains for biodiversity.'*

7.91 Policy KP2 of the Core Strategy states that all new development must *'respect, conserve and enhance and where necessary adequately mitigate effects on the natural and historic environment, including the Borough's biodiversity and green space resources; ensure that European and international sites for nature conservation are not adversely affected and contribute positively towards the 'Green Grid' in Southend.'*

7.92 Policy CP4 of the Core Strategy seeks to contribute to the creation of high quality, sustainable urban environments by *'safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance.'*

7.93 The application has been submitted with a preliminary ecological appraisal survey report which states *'the survey site is dominated by tussocky, semi-improved grassland: A wet ditch is present on the northern and western boundaries.'* The report's findings include:

- *'The site is confirmed currently to have an exceptional population of common lizard in situ;*
- *Trees within the site boundary, recorded negligible potential to support features which bats could utilise for roosting or as a place of shelter;*
- *No field sign evidence of use of the drain network by otter or water vole was recorded at the time of the survey;*
- *No field sign evidence of Eurasian badger was recorded during the survey. The site is encircled by intact Heras fencing, none of which was recorded as undermined at the time of survey;*
- *No evidence of breeding birds was recorded during the survey although trees and a mature hedgerow recorded suitability for breeding birds. The remainder of the site recorded suitability for ground nesting birds;*
- *The site recorded suitability for common amphibian species but not great crested*

newt;

- *No schedule 9 plant species were recorded within the site during the survey;*
- *The presence of goat's rue is strongly suspected, based on flowerhead remains from the previous season and vegetative leaves; and*
- *A Habitat Regulations Assessment (HRA) should be conducted to ascertain any potential impacts on site designated under European Law.'*

7.94 In terms of the exceptional population of common lizards identified on the site, the ecological report states *'to date, the proposed translocation has not been completed. In order to legally facilitate development of the site, the resident population of common lizard should be translocated following a strict method statement followed by a supervised vegetation and turf strip.'* The submitted report recommends that *prior to the proposed works, the common lizard population should be translocated to the previously agreed receptor site (D F Clark Bionomique Ltd, Ecology Statement, March 2018) and the vegetation and turf be stripped under the supervision of a suitably qualified ecologist, following a strict method statement. Should this not be undertaken within the 2019 survey season, it is recommended that a further size class assessment is undertaken in advance of a future translocation.'*

7.95 The report makes a number of recommendations including that any excavations are covered up at the end of the working day to ensure no mammals become trapped and that light overspill from the redevelopment site is minimised so as not to impact habitats outside the southern and western boundary which could be used by foraging and or commuting bats. It is recommended that clearance works are undertaken outside the breeding bird season (March to September inclusive) and recommends that a breeding bird survey is undertaken on the site in advance of any site clearance works being undertaken. The submitted ecology report recommends a number of biodiversity enhancements, including a sensitive planting scheme to include native broadleaved tree and wildflower species. It is also recommended that bird and bat boxes are included.

7.96 Natural England has raised no objection to the proposal, commenting that they consider that the development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England comment, in relation to the Habitats Regulations that a likely significant effect can be ruled out.

7.97 The Government's standing advice for reptiles which includes common lizards that are protected by UK Law states *'For reptiles, mitigation planning should include:*

- *Consider changing the layout and not developing the areas used by reptiles*
- *Displace them from sensitive areas by changing the vegetation*
- *Changing the timing of the work*
- *Move the reptiles (translocate) to another area that has been specially prepared, but only as a last resort, maintaining networks across the site (for large schemes)*

7.98 *Compensation methods can include*

- *Creating links to other habitats*
- *Creating new habitat*
- *Improving existing habitat.'*

7.99 In terms of translocation, the standing advice states:
'If you need to move reptiles to a new location you'll have to choose a receptor site:

- *As close as possible to the development site, and within the same local planning authority if possible*
- *That is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (you can provide smaller habitat if it's substantially better quality)*
- *That will serve the same function as the habitat to be lost e.g. it has hibernation features*
- *With similar habitat to the area that will be lost, including water bodies*
- *That doesn't currently support the same species, but can be improved to make it suitable*
- *That will be safe from future development and managed in the long term.*

You can introduce small numbers of reptiles to an area with an existing population if you have improved the habitat so it can support the increased numbers. You must allow enough time for new habitats to become suitable for the reptiles before you start to capture them.'

- 7.100 Previously under reference 15/02053/OUTM a reptile mitigation strategy was submitted which provided key recommendations including installation of reptile exclusion fencing, reptile trapping, translocation, receptor site, vegetation clearance and destructive search with the overall aims of avoiding injury or harm to reptiles and prevent any net loss of the local conservation status of any reptiles found within the site. This approach was accepted and outline planning permission for the development was granted on 17th April 2016, subject to a condition requiring reptile, invertebrate, bird and great crested newt surveys to be submitted.
- 7.101 As such, whilst the Government's standing advice is that translocation should be a last resort, given that this was previous accepted in 2016 and given the recommendations contained within the preliminary ecological appraisal survey submitted with this application, subject to conditions, including requiring the submission of a translocation method statement, no objection is raised on this basis. Subject to this condition and the other conditions and requirements recommended by the submitted report, no objection is raised on this basis as it is considered that the proposal would be policy compliant in this respect.
- 7.102 The Environment Agency (EA) comments that the application has not been submitted with a survey for water voles along the channel to be culverted. The EA states that their preference is for watercourses not to be culverted if possible due to possible harm in ecological quality, but where required the EA request offsetting measures to be put in place that lead to ecological enhancements to the culverted sections on the site. The EA therefore request protected species surveys are undertaken for water voles and displacement/relocation if they are found and enhancement measures e.g. tree planting along sections of the watercourses that remain un-culverted to offset the loss of the open channel. The preliminary ecological survey submitted states *'Surveys conducted in 2015 concluded no evidence of otter and/or water vole...no otter or water vole records were returned from Essex Wildlife Trust for a one kilometre radius...no evidence of water vole was recorded at the time of survey in the areas of the wet ditch which were accessible...Should the proposed works encroach within five metres of the bank of the wet ditch (located on the western elevation of the site) it is recommended that further surveys for water vole are undertaken.'* Subject to a condition requiring further surveys and tree planting, no objection is therefore raised on this basis.

7.103 Subject to conditions, the development is acceptable and policy compliant in the above regards.

Sustainability

7.104 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.

7.105 The application has been submitted with an Energy Usage and Sustainability Statement which states that the annual energy consumption for the development would be some 54.64kWh/sqm/annum. The report states that photovoltaic (PV) panels will be utilised and an array of 540 panels (885sqm) will be utilised with an output of 60.93kWh/sqm/annum expected. Air source heat pumps are also proposed. The report therefore concludes that the actual annual energy consumption would be - 14.55kWh/sqm/annum. A condition to secure the proposed PVs, or suitable alternative means of satisfying the policy requirement can be imposed.

7.106 The development is acceptable and policy compliant in this respect.

Contamination

7.107 Paragraph 178 of the NPPF states ‘*Planning policies and decisions should ensure that:*

- a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) *After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) *Adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

7.108 Paragraph 179 of the NPPF states ‘*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*’

7.109 Policy DM14 of the Development Management Document states ‘*Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where:*

- (i) *An appropriate Contaminated Land Assessment has been carried out...*
- (ii) *Where contamination is found which would pose an unacceptable risk to people’s health, the natural environment or water quality, the Council will impose a condition, if appropriate, to ensure that the applicant undertakes appropriate remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed.*
- (iii) *Remediation works will be carried out before the commencement of any new development.*’

- 7.110 The application has been submitted with a Contamination Assessment Report which concludes *'The intrusive ground investigation has not identified contamination at concentrations that require remedial works...soil leachate and groundwater analysis were also undertaken, which did not identify any elevated results considered to present unacceptable risk. The three rounds of landfill gas monitoring undertaken did not identify any unacceptably elevated concentrations of landfill gases. There is no evidence of any unacceptable impact on the soils or groundwater beneath the site to future workers or customers of the proposed supermarket development. The brook may be at risk of pollution incidents from up-stream sources, but if the brook is impacted, the risk to the site as a commercial development is considered very low, and there are no remedial actions considered that can be taken to mitigate against surface water pollution. Based on the current information, no remediation measures are considered necessary. However, further landfill gas monitoring is recommended to confirm whether any gas protection measures are required.'* Section 10 of the submitted report makes a number of recommendations for further works.
- 7.111 Given the findings of the report and the fact that Environmental Health have raised no objection to the proposal, subject to the development being undertaken in accordance with the recommendations of the submitted report, the development is considered to be acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL)

- 7.112 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 1957sqm, which may equate to a CIL charge of approximately £167,549.31 (subject to confirmation).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. There is no land-use or flooding based objection to the principle of the development. Subject to conditions, the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. The development would preserve the character, appearance and setting of the nearby Shoebury Garrison Conservation Area. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. Subject to conditions, the proposed development would not result in any material harm to ecology or archaeological assets. This application is therefore recommended for approval subject to conditions.

9 Recommendation

- 9.1 **Members are recommended to:**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans: 7587L-15, 7587L-16 Rev E, 7587L-17 Rev A, 7587L-18 Rev D, 7587L-19 Rev B, JKK10373_TRRP-600 Rev 01, JKK10373_TCP-500 Rev 00, 190370-200 Rev B.

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

03 Notwithstanding details shown on the plans submitted and otherwise hereby approved, the external elevations of the building and road bridge and pedestrian footbridge hereby approved shall be finished in materials the details of which shall have been submitted to and approved in writing by the Local Planning Authority before the food store building is constructed beyond ground slab level. The development hereby approved shall not be first used until the external elevations of the building and bridges have been finished in full accordance with the materials approved under this condition. For the avoidance of any doubt the external materials for the approved building's south-east elevation shall not be white painted render, as specified on the otherwise approved plans.

To safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans hereby approved no development above ground level shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces and all means of enclosing the site. For the avoidance of any doubt, replacement trees shall be provided on the site, including adjacent to the watercourse.

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

Reason: In the interests of visual amenity, biodiversity and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management

Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 05 The development shall not be first occupied until 140 on site car parking spaces have been provided and made available for use in full accordance with drawing 7587L-16 Revision E, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of staff and customers of the development hereby approved.**

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

- 06 Prior to the first use of the development hereby approved, full details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking for a minimum of 10 cycles for staff and customers of the approved development. The approved cycle parking shall be provided in full and made available for use prior to the first use of the development hereby approved and shall be retained as such in perpetuity.**

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

- 07 The development hereby approved shall not be brought into first use until and unless a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out and permanently maintained solely in accordance with the approved details which shall include full details of refuse and recycling storage facilities and waste servicing arrangements.**

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

- 08 The development hereby approved shall not be open for customers outside the following hours: 07:00 and 22:00hrs Monday to Saturday and between 10.00 and 17.00hrs on Sunday.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 09 External lighting shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.**

Reason: In the interest of ecology and to protect the amenities of surrounding

occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 10 Notwithstanding the details submitted and otherwise hereby approved, no development other than the removal of the spoil shall be undertaken unless and until full details of the existing and proposed levels to include the proposed food store building, roads, footpaths, parking areas and landscaped areas relative to the adjoining land and any other changes proposed in the levels of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

To safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

- 11 The development hereby approved shall be implemented and thereafter permanently operated in strict accordance with the flooding recommendations and flood mitigation measures outlined on page 42 of the Flood Risk Assessment and Drainage Strategy undertaken by Ardent reference 190370-1 dated April 2019, including implementation of flood resistant and resilient measures, evacuation route, owners/managers to sign up to the Environment Agency flood warning service and that the finished floor levels of the development are raised 300mm above adjacent ground levels before the development is brought into first use.

Reason: In the interests of safety and 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 and Development Management Document (2015) Policy DM14.

- 12 Prior to the first occupation of the development hereby approved, a noise impact assessment that assesses all relevant impacts and identifies any necessary mitigation shall be submitted to and approved in writing by the local planning authority. The development must be undertaken in accordance with the approved details and any necessary mitigation measures prior to the first use of the development hereby approved and thereafter retained as such in perpetuity.

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

- 13 The development hereby approved shall not be brought into first use unless and until details of the public art to be installed have been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be first used until the approved public art has been provided in full accordance with the details approved under this condition.

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

- 14** Delivery times for the development hereby approved shall not take place outside 07:00 hours to 23:00 hours Mondays to Saturday and 08:00hours to 20:00 hours on Sundays.

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

- 15** The development hereby approved shall be undertaken and completed in strict accordance with the recommendations set out on pages 26-32 of the the approved Preliminary Ecological Appraisal Survey Report undertaken by Estrada Ecology reference LIDL.SHOE.17.12.2018 dated 11 February 2019, including covering excavations at the end of each working date, light overspill being minimised, that works stop if a great crested newt is found, that the population of common lizards are translocated, before the development is brought into first use.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 16** Notwithstanding the information and details submitted with the application and otherwise hereby approved, no development, including site clearance works shall be undertaken unless and until a water vole assessment which includes relevant mitigation measures has been completed and submitted to and approved in writing by the local planning authority. The development shall be undertaken in strict accordance with the approved assessment, including any necessary mitigation measures in accordance with the timescales specified in the approved report.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 17** Notwithstanding the information and details submitted with the application and otherwise hereby approved, no development, including site clearance works shall be undertaken unless and until a breeding bird assessment has been completed and submitted to and approved in writing by the local planning authority. The development shall be undertaken in strict accordance with the approved report, including any necessary mitigation measures in accordance with the timescales specified in the approved report.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 18** Notwithstanding the information and details submitted with the application and otherwise hereby approved, no development, including site clearance works shall be undertaken unless and until a translocation method statement for the exceptional population of common lizards on the site has been completed and

submitted to and approved in writing by the local planning authority. Should the translocation not be undertaken within the 2019 survey season, a further size class assessment shall be undertaken and submitted to and approved in writing by the local planning authority before any translocation take place. The development shall be undertaken and completed in strict accordance with the approved reports, including any necessary mitigation in accordance with the timescales specified in the documents approved under this condition.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 19 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken other than removal of the existing spoil heap unless and until a detailed design of a surface water drainage scheme has been submitted to and agreed in writing by the local planning authority. The approved scheme shall be completed prior to the first use of the development hereby approved and shall be retained as such in perpetuity. The details submitted shall address but not be limited to the following matters:
- a. Provide updated Micro Drainage calculations to demonstrate the hydraulic performance of the entire network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change.
 - b. Provide a plan illustrating the exceedance flow routes for storm events exceeding the 1 in 100 year plus 40% climate change.
 - c. Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.
 - d. Provide evidence that permission has been granted to discharge to the existing ordinary watercourse.
 - e. Provide further details of the accessibility of the SuDS for future maintenance.

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

- 20 No development other than the removal of the spoil shall be undertaken, unless and until an investigation into the history and current condition of the site to determine the likelihood of the existence of contamination (including ordnance risk) arising from previous uses and other potential sources of contamination has been carried out and the following steps have been complied with to the satisfaction of the Local Planning Authority (LPA). In order to comply with the above condition, the proposal should comply with Department for Environment Food and Rural Affairs (DEFRA) and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and "BS 10175 (2011) Code of Practice for the investigation of potentially contaminated sites" or any guidance which subsequently replaces these documents.

A) A written report (Phase 1 Desk study and walk-over survey Report) shall be submitted to and approved by the LPA which shall include details of the previous uses of the site, surrounding contaminative land uses, potential contaminants that might reasonably be expected given those uses and a description of the

current condition of the site with regard to any activities that may have caused contamination before the development is commenced. The report shall confirm whether or not it is likely that contamination may be present on the site.

B) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment (Phase II intrusive site investigation) shall be carried out, submitted to the LPA and approved in writing before the development, other than the removal of the spoil is commenced. The report shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. The report shall fully and effectively characterise the nature and extent of any land contamination and /or pollution of controlled waters and should be submitted and agreed by the LPA.

C) Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation methods strategy (RMS) to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the LPA before the development is commenced, other than the removal of the spoil. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.

D) Following the completion of the approved remediation works, a validation report shall be submitted to the LPA and approved in writing before the development is first brought into use or occupied. The report shall contain full details of the approved remediation works undertaken to make the site suitable for the intended user.

E) If, during the implementation of the development land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for addressing the additional contamination has been submitted to and agreed in writing by the Local Planning Authority. The scheme approved under this part of the condition shall be implemented in full before the development is first occupied or brought into use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Core Strategy (2007) Policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

21 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the plant area as shown on drawing number 7587L-16 Rev E, including full details of its enclosure have been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be first used unless and until the plant area has been completed in full accordance with the approved details under this condition.

To safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

- 22 The development hereby approved shall be operated in strict accordance with the findings, recommendations and conclusions of the approved Travel Plan by SCP reference GA/18667/TP01 dated April 2019. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainable transport in accordance with the National Planning Policy Framework (2019) and Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

- 23 Before it is first occupied, the development hereby approved shall be undertaken and completed in strict accordance with the Energy Usage and Sustainability Statement submitted by DDA dated April 2019 or other details that have previously been submitted to the local planning authority and approved in writing to ensure not less than 10% of the total energy needs of the development shall be supplied using on site renewable sources for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

- 24 The development hereby approved shall only be used as a discount food store that does not occupy more than 2,000sqm Gross Internal Area with no more than 20% of the sales area of 1,313sqm to be used for comparison goods. It shall not be used for any other purpose including any other purpose within use class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision in any statutory instruments revoking or re-enacting these Orders, with or without modification.

Reason: In the interests of the vitality and viability of the Town Centre, District Centres and Local Centres in accordance with National Planning Policy Framework (2019) and Policy CP2 of the Core Strategy (2007).

- 25 No development shall take place, including any works of demolition, unless and until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement 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 and dirt during the removal of the spoil heap and during construction of the development.
- vi) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site
- vii) How the C-X Ditch will be protected during construction.
- viii) hours of construction.

Reason: A pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 26** No development other than the removal of the spoil shall be undertaken unless and until the applicant had secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including the methodology and any necessary mitigation which has been previously submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in strict accordance with the approved written scheme of investigation.

Reason: In the interests of the historic environment, in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the 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:

- 1** Please note that the development 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 Notwithstanding the information submitted with this application, separate advertisement consent would be required for the proposed advertisements.
- 4 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highway or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 5 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 6 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 7 Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted without agreement from Anglian Water.
- 8 Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- 9 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's

requirements.

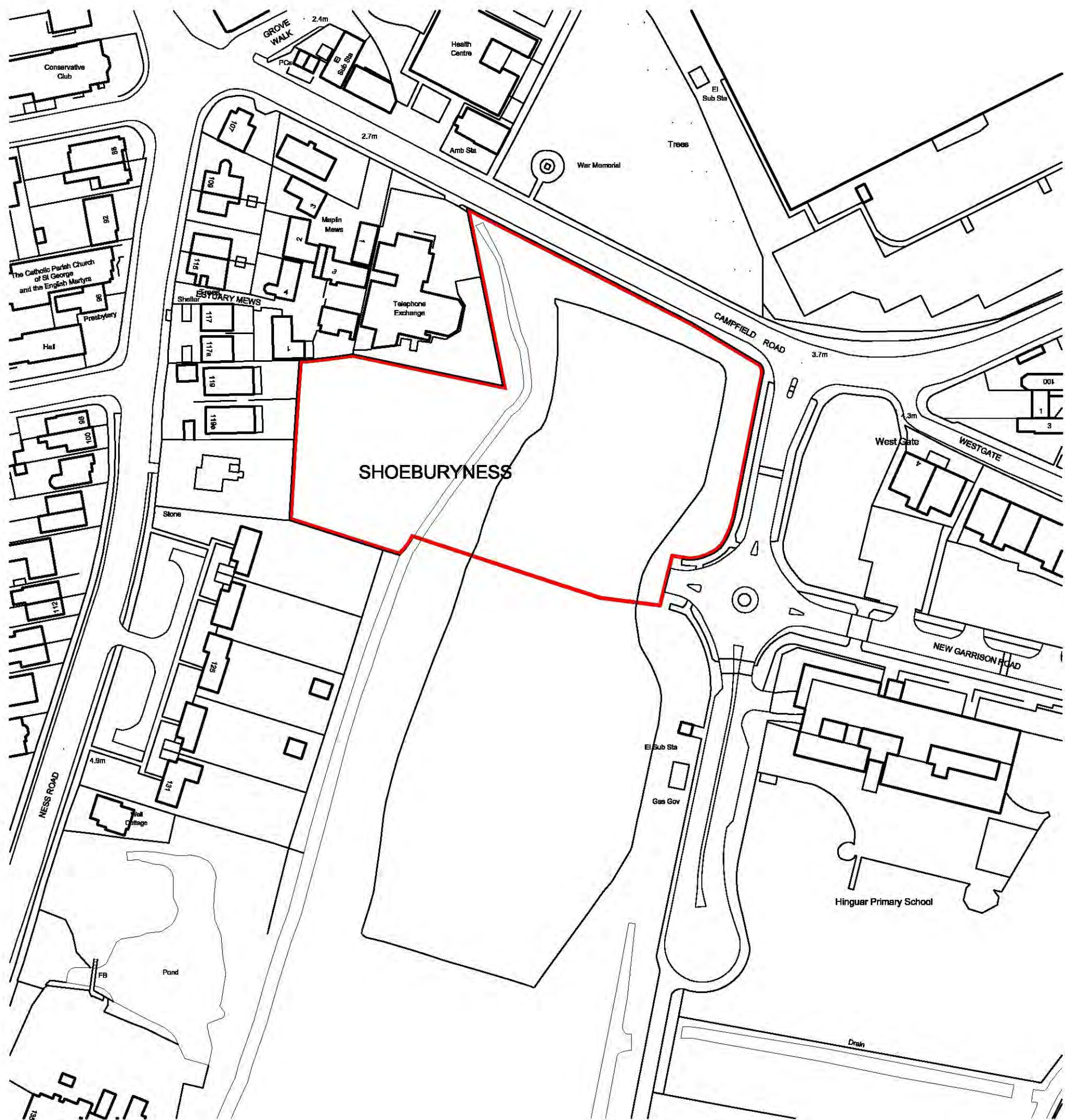
- 10 For the avoidance of doubt, in relation to condition 3, the provision of a blank. white, rendered wall on the prominent south-eastern elevation would not be acceptable.**

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REV.	DATE	DESCRIPTION

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43

client
Lidl UK GmbH

project
**New Store
 Campfield Road
 Shoeburyness**

drawing
Location Plan

scale
1:1250@A3

date
Dec 18

drawn
 checked

drawing no.
7587L-15

revision

john roberts architects

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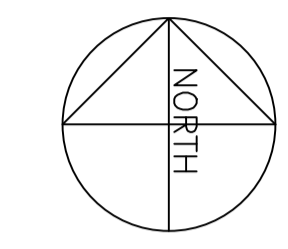
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REV.	DATE	DESCRIPTION
A	08-03-19	GENERAL UPDATE
B	08-03-19	PARKING UPDATED, CYCLE PARKING ADDED
C	29-04-19	CULVERT & PARKING UPDATED
D	21.06.19	BUILDING POSITION MOVED TO AVOID EASEMENT
E	17.07.19	ACCESS ROAD UPDATED

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Licence No. AR 154164



Site Layout	
Store Name	Shoeburyness
Sales Area	1,313sqm
Ancillary	240sqm
Warehouse	404sqm
GIA	1,957sqm
Lidl Site Area	9,814sqm
Total Car Spaces	140
Scale	1:500@A3

client
Lidl UK GmbH

project
**New Lidl Store
Campfield Road
Shoeburyness**

drawing
Proposed Site Plan

scale
1:250@A1, 1:500@A3

date
Jan 19

drawn
RM

checked

drawing no.
7587L-16

revision
E

john roberts architects

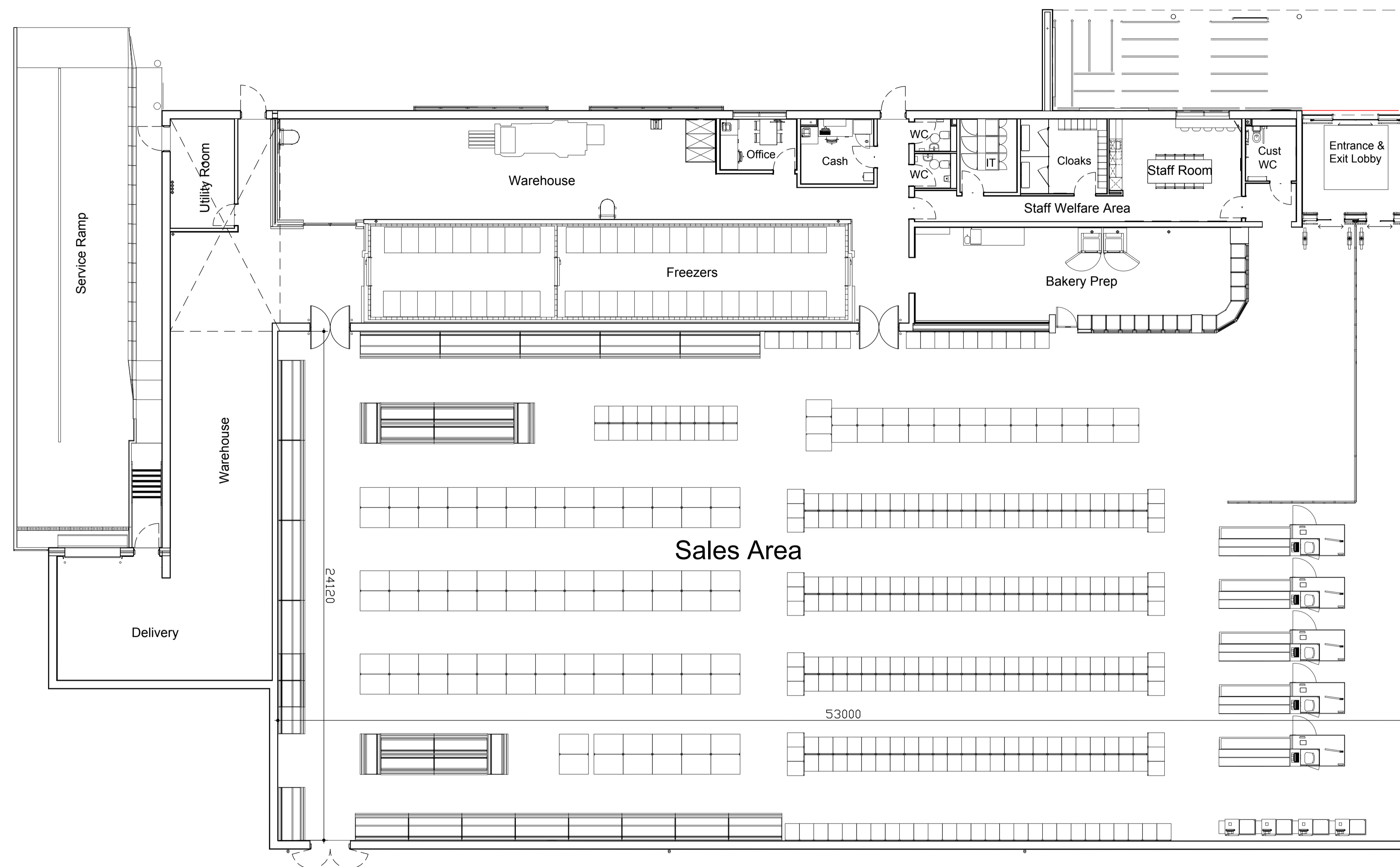
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E: contact@jrarchitects.co.uk
www.jrarchitects.co.uk

45

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All signage indicative subject to a separate application for advertising consent



Ground Floor Plan



client
Lidl UK GmbH

project
**New Lidl Store
Campfield Road
Shoeburyness**

drawing
Proposed Floor Plan

scale
1:125@A1, 1:250@A3

date
Jan 19

drawn
RM

checked

drawing no.
7587L-17

revision
A

john roberts architects

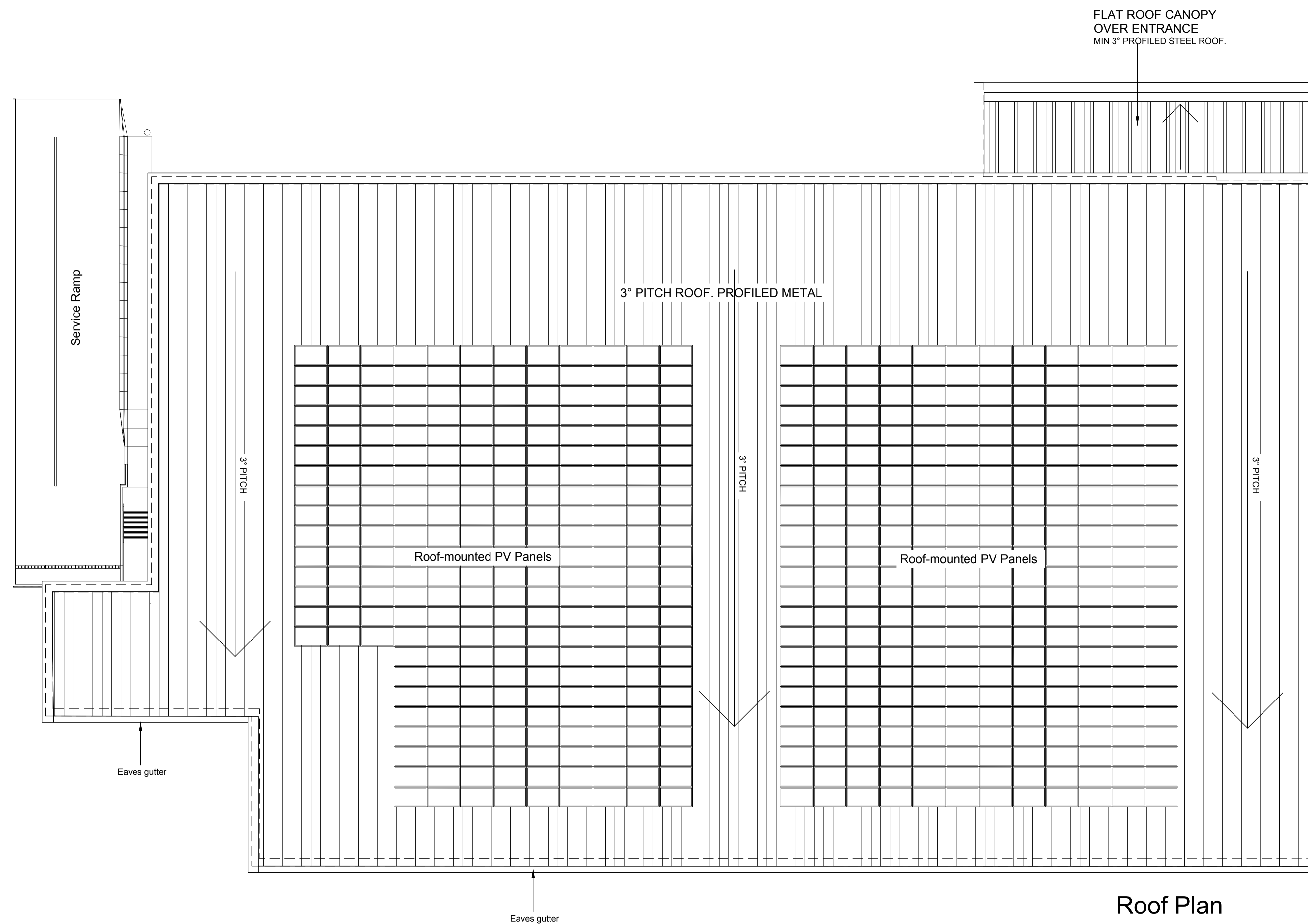
1 James Street . Lincoln . LN2 1QD
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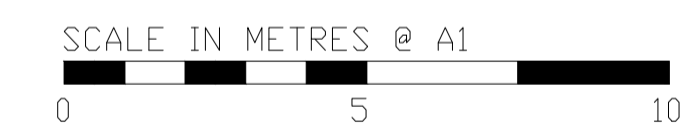
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REV.	DATE	DESCRIPTION
A	29-03-19	PV PANELS ADDED
B	21.06.19	DELIVERY AREA ROOF UPDATED

All signage indicative subject to a separate application for advertising consent



49



client

Lidl UK GmbH

project

**New Lidl Store
Campfield Road
Shoeburyness**

drawing

Proposed Roof Plan

scale

1:125@A1, 1:250@A3

date

Mar 19

drawn

RM

checked

drawing no.

7587L-19

revision

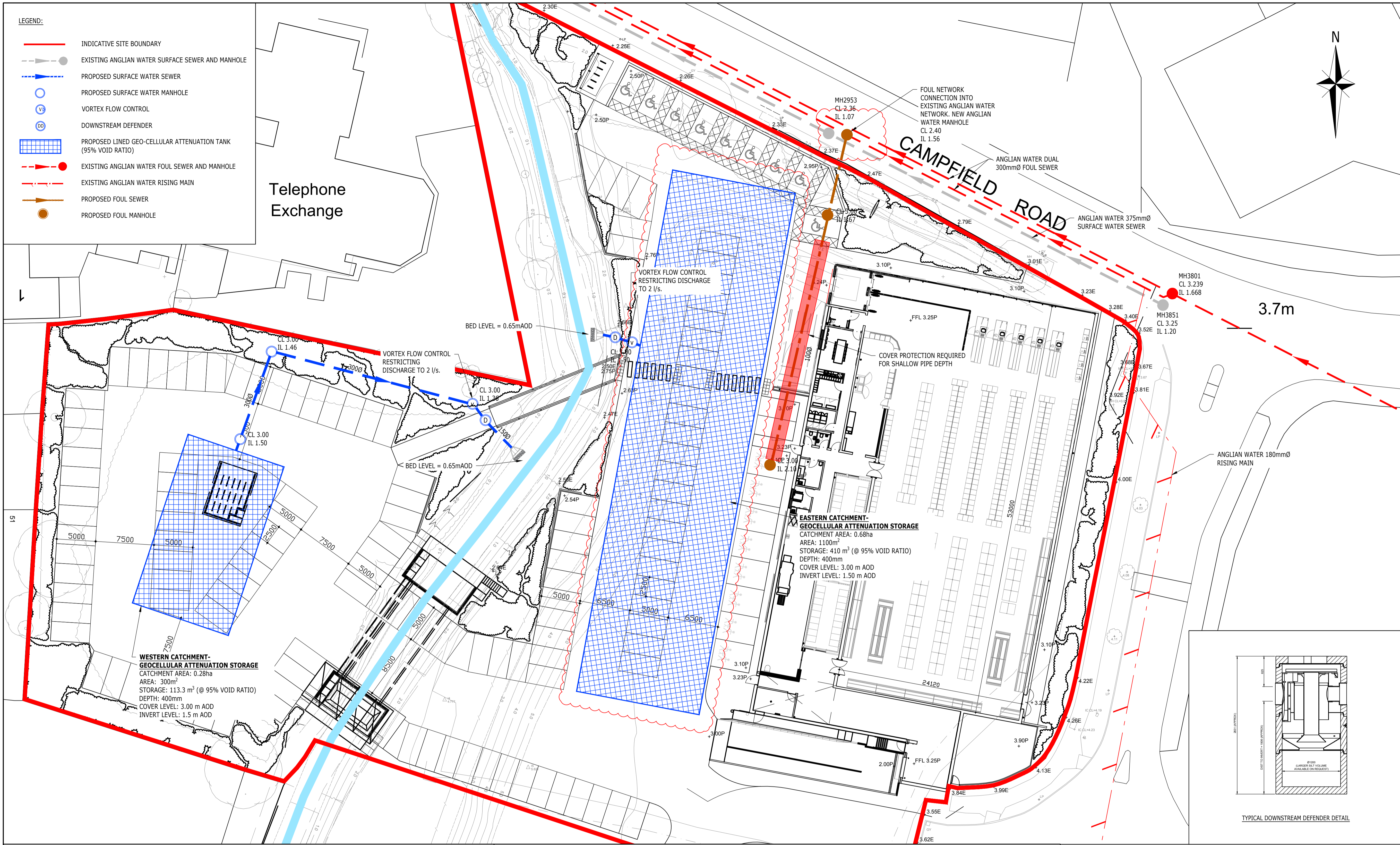
B

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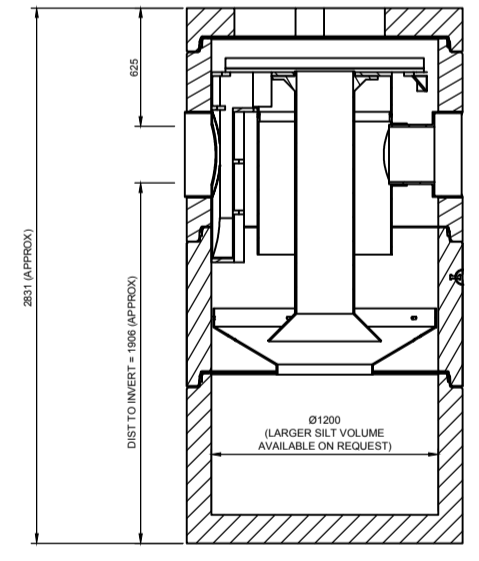


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- LEGEND:**
- INDICATIVE SITE BOUNDARY
 - EXISTING ANGLIAN WATER SURFACE SEWER AND MANHOLE
 - PROPOSED SURFACE WATER SEWER
 - PROPOSED SURFACE WATER MANHOLE
 - VORTEX FLOW CONTROL
 - DD DOWNSTREAM DEFENDER
 - ▨ PROPOSED LINED GEO-CELLULAR ATTENUATION TANK (95% VOID RATIO)
 - EXISTING ANGLIAN WATER FOUL SEWER AND MANHOLE
 - EXISTING ANGLIAN WATER RISING MAIN
 - PROPOSED FOUL SEWER
 - PROPOSED FOUL MANHOLE
- NOTES**
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE RELEVANT SPECIFICATION AND ALL OTHER RELATED DRAWINGS ISSUED BY THE ENGINEER.
 - DO NOT SCALE FROM THIS DRAWING. WORK FROM FIGURED DIMENSIONS ONLY.
 - ALL DIMENSIONS SHOWN ON THIS DRAWING ARE IN METRES, UNLESS OTHERWISE STATED.
 - ALL DIMENSIONS, LEVELS AND SURVEY GRID CO-ORDINATES ARE TO BE CHECKED ON SITE AND THE ENGINEER NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF THE WORKS.
 - NO DEVIATION FROM THE DETAILS SHOWN ON THIS DRAWING IS PERMITTED WITHOUT PRIOR PERMISSION FROM THE ENGINEER.
 - EXISTING DRAINAGE AND UTILITIES TO BE CONFIRMED IN-SITU BY THE CONTRACTOR, PRIOR TO STARTING WORKS.
 - THE DRAINAGE STRATEGY IS INDICATIVE ONLY. TO DEMONSTRATE DESIGN INTENT AND ATTENUATION STORAGE REQUIREMENTS. DESIGN SUBJECT TO CHANGE AND DESIGN TEAM COORDINATION.
 - INDICATIVE DRAINAGE STRATEGY SUBJECT TO ENVIRONMENT AGENCY AND LEAD LOCAL FLOOD AUTHORITY COMMENTS.

- CDM NOTES**
- THE ATTENTION OF THE CLIENT, PRINCIPAL DESIGNER, PRINCIPAL CONTRACTOR, DESIGNERS AND CONTRACTORS IS DRAWN TO THE FOLLOWING POTENTIAL RISKS IN CONJUNCTION WITH THE PROPOSED ON-SITE AND OFF-SITE WORKS AS DESIGNED FOR THIS PROJECT:
- WORKS IN THE VICINITY OF LIVE SERVICES INCLUDING GAS, ELECTRICITY, BT AND TELECOMS WILL BE NECESSARY AND THE ADVICE OF ALL STATUTORY SERVICE COMPANIES MUST BE SOUGHT BEFORE ANY WORKS COMMENCE. PRIVATE SERVICES MAY BE PRESENT WITHIN THE LIMIT OF WORKS AND CARE SHOULD BE TAKEN TO LOCATE AND AVOID THESE DURING CONSTRUCTION.
 - IT IS LIKELY THAT PART OF THE WORKS WILL NEED TO ACCOMMODATE HIGH GROUNDWATER. MEASURES TO BE PUT IN PLACE PRIOR TO EXCAVATION. REFER TO GEOTECHNICAL REPORT FOR OBSERVED GROUNDWATER LEVEL.
 - WORKS WITHIN AND ABUTTING THE EXISTING HIGHWAY WILL ENTAIL TRAFFIC HAZARDS AND ALL APPROPRIATE SAFETY MEASURES INCLUDING BARRIERS, SIGNS AND LIGHTING MUST BE UNDERTAKEN TO THE APPROVAL OF THE LOCAL AUTHORITY, THE HIGHWAY AUTHORITY AND THE POLICE DEPARTMENT.
 - HAZARDOUS MATERIALS INCLUDING CEMENT AND BITUMINOUS MATERIALS ARE SPECIFIED AND THE MANUFACTURERS ADVICE ON SAFE HANDLING PROCEDURES MUST BE OBTAINED AND MADE CLEAR TO ALL OPERATIVES.
 - THE CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE VICINITY OF THE WORKS (HAND DUG OR OTHER METHOD) AND ENSURE THESE ARE PROTECTED THROUGHOUT THE DURATION OF THE WORKS. ALL UTILITY PLANT SHOULD BE CLEARLY MARKED ON THE GROUND PRIOR TO COMMENCEMENT OF THE WORKS.
 - THE CONTRACTOR MUST ENSURE ALL WORKING AREAS ARE FULLY SECURE.
 - WORKS WITHIN DEEP WATERCOURSES ON SITE WILL BE NECESSARY. THE CONTRACTOR WILL BE RESPONSIBLE FOR ENSURING PERSONAL BUOYANCY EQUIPMENT IS AVAILABLE FOR ALL PERSONNEL AND RESCUE EQUIPMENT IS ALSO AVAILABLE. THE CONTRACTOR WILL ALSO ENSURE THAT THE CORRECT PROCEDURES ARE IN PLACE TO COPE ONCE A PROBLEM ARISES. THE CONTRACTOR WILL BE RESPONSIBLE FOR MONITORING WEATHER FORECAST DURING CONSTRUCTION PROGRAMME.



FOR PLANNING

B	UPDATED SITE LAYOUT	LB	JE	BC	09.07.19
A	UPDATED LAYOUT	MJR	CC	BC	30.04.19
Rev	Description	Drm	Chk	App	Date

ARDENT CONSULTING ENGINEERS

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The Hallmark Building
52-58 Leadenhall Street
London
EC3M 5JE

Tel: 020 7680 4088
Web: www.ardent-ce.co.uk
E-mail: enquiries@ardent-ce.co.uk

worksafe consultant
www.smesitd.com

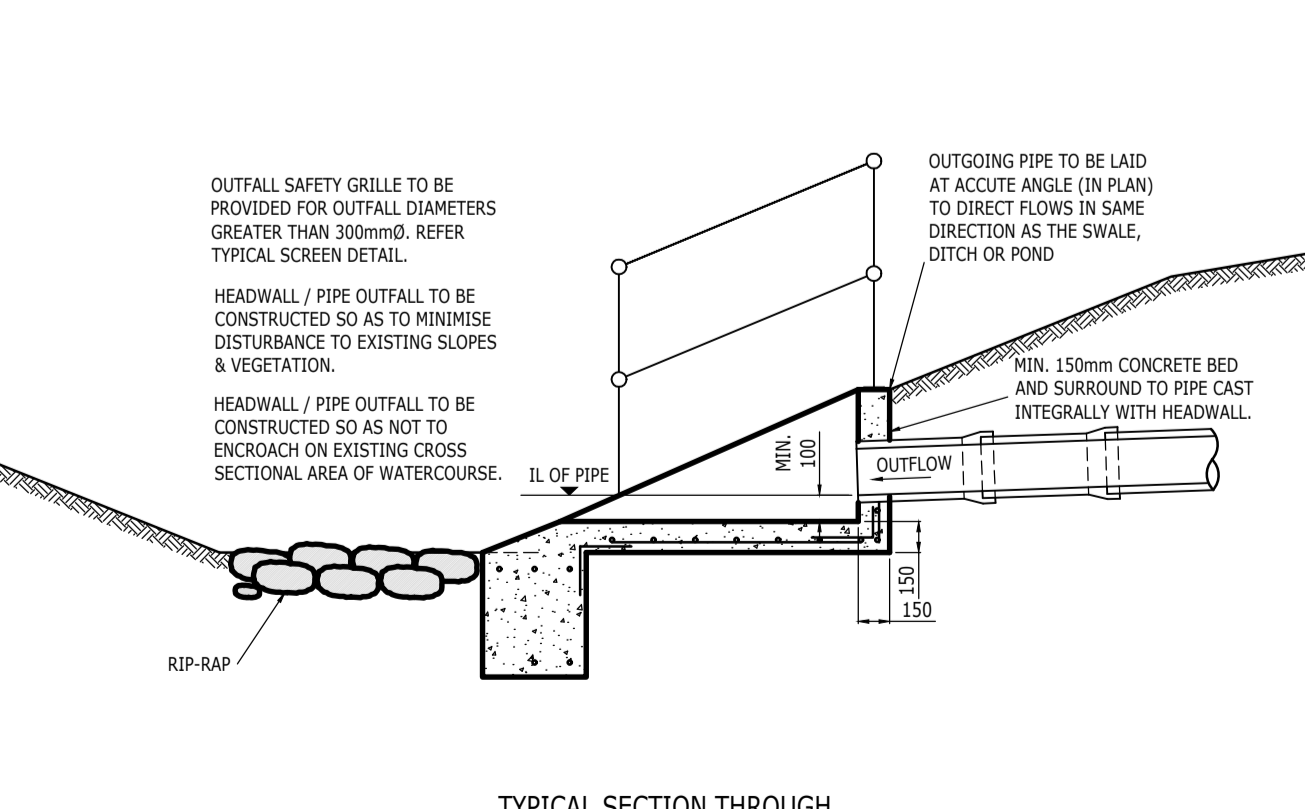
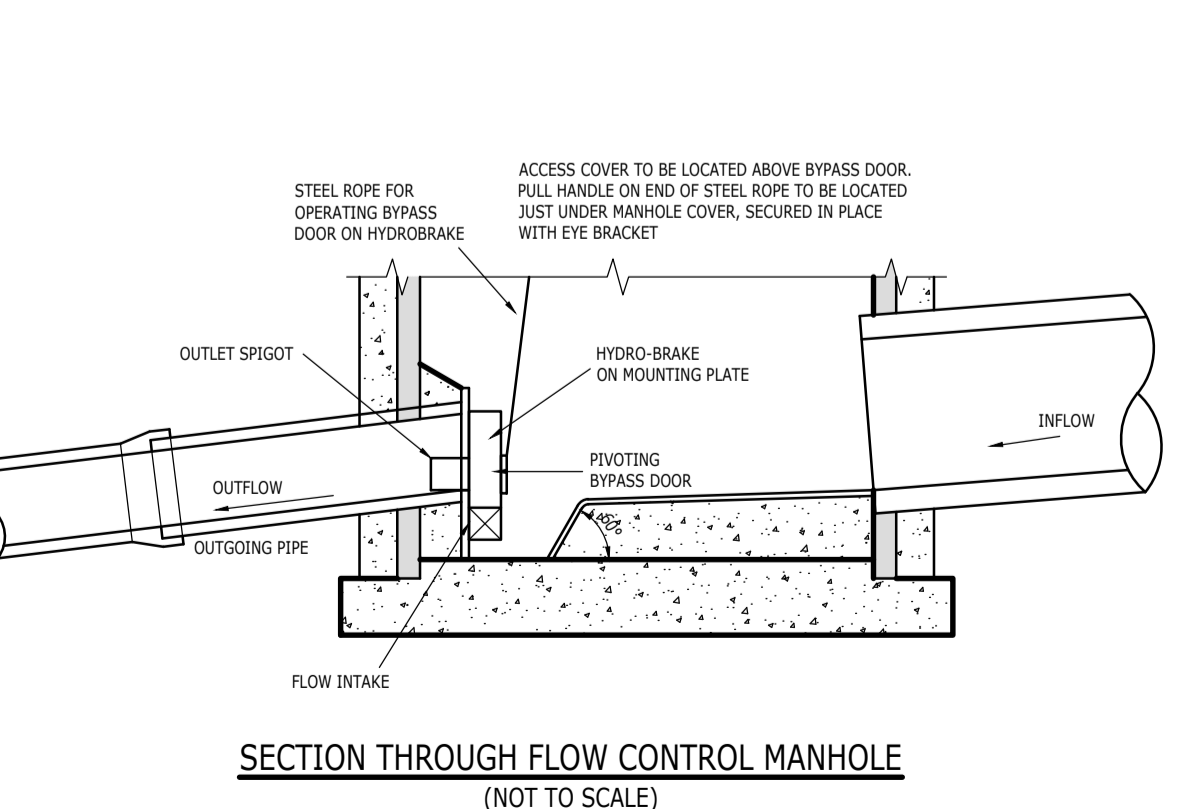
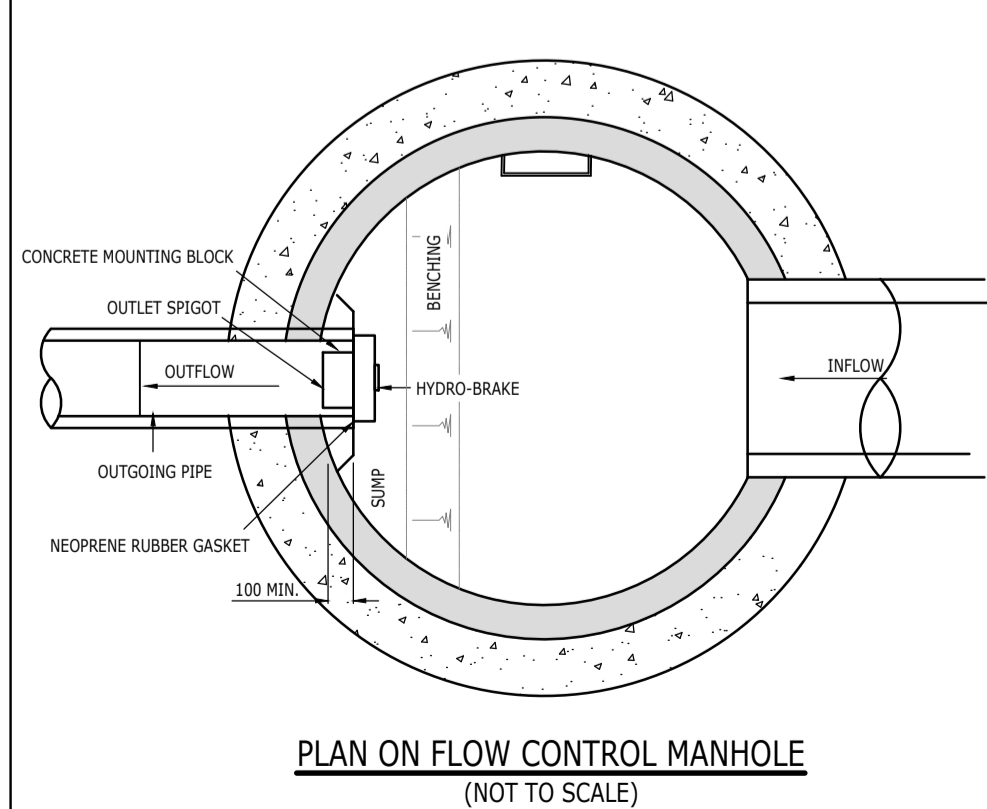
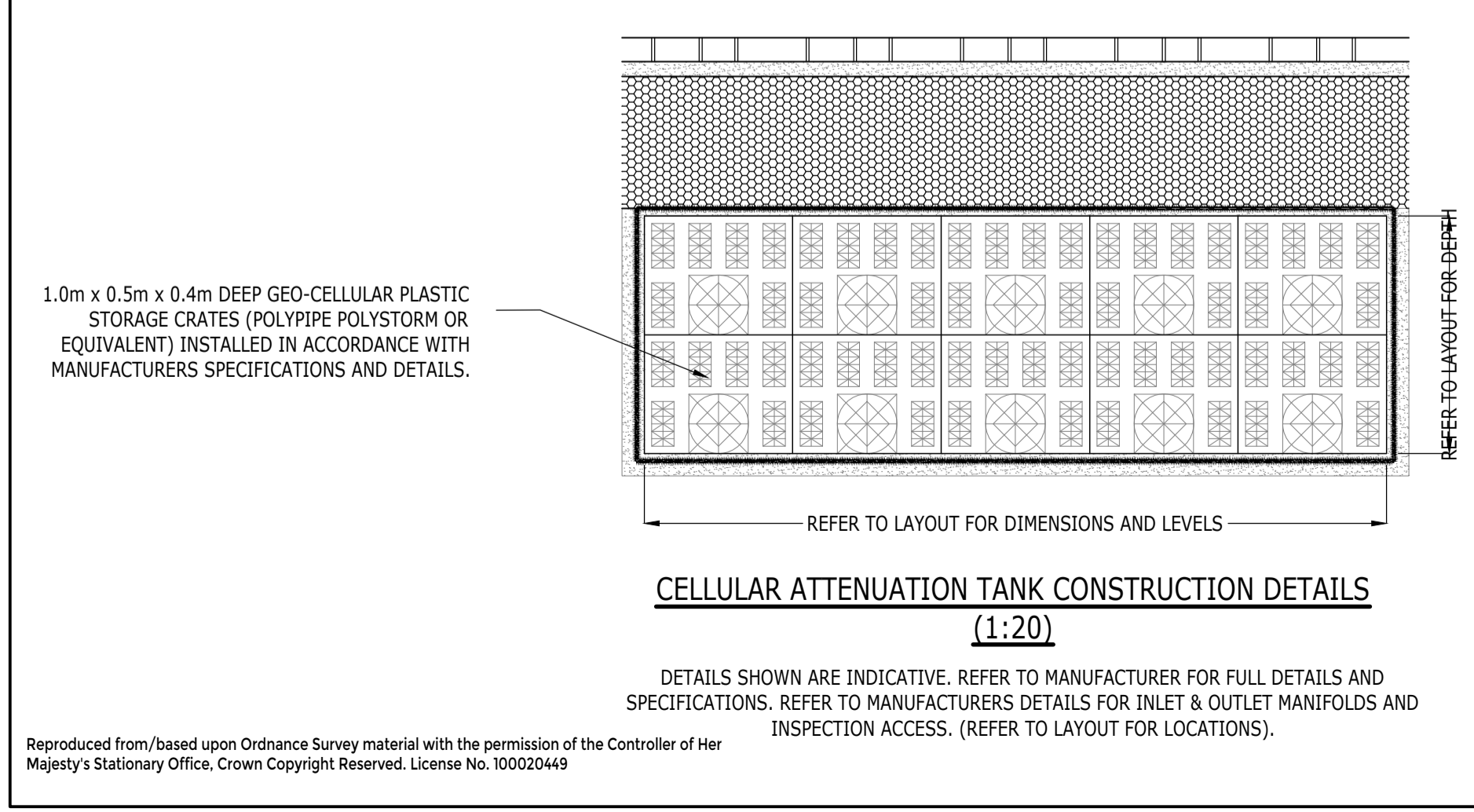
SSIP
SAFETY IN SITUATION
PROFESSIONAL

Client: **Lidl GB Ltd**

Project Title: **Lidl SHOEBURNESS**

Drawing Title: **FOUL AND SURFACE WATER DRAINAGE STRATEGY**

A1 Scale	Date	Designed by
1:250	26.04.2019	JE
Drawn by	Checked by	Approved by
VL	JE	BC
Drawing Number	190370-200	
		Rev B

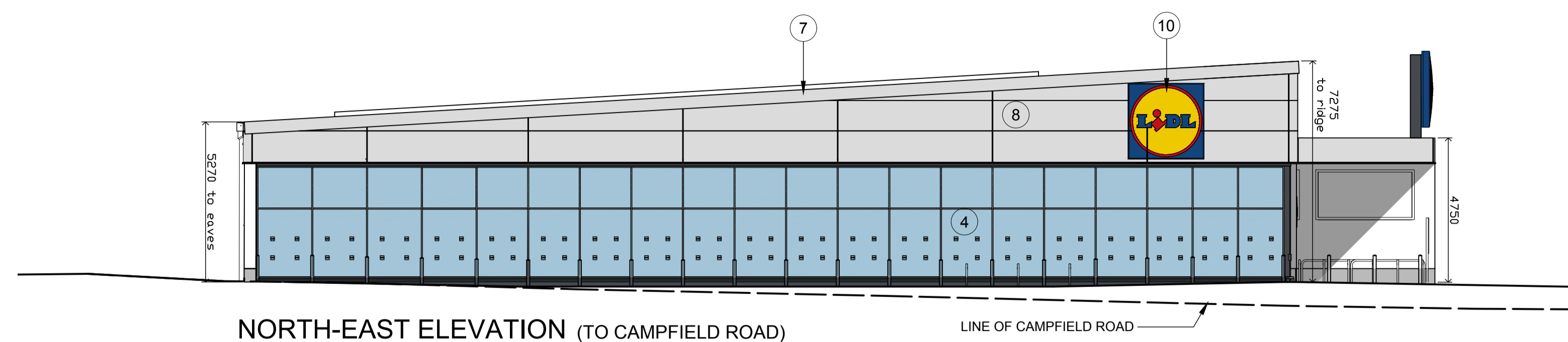


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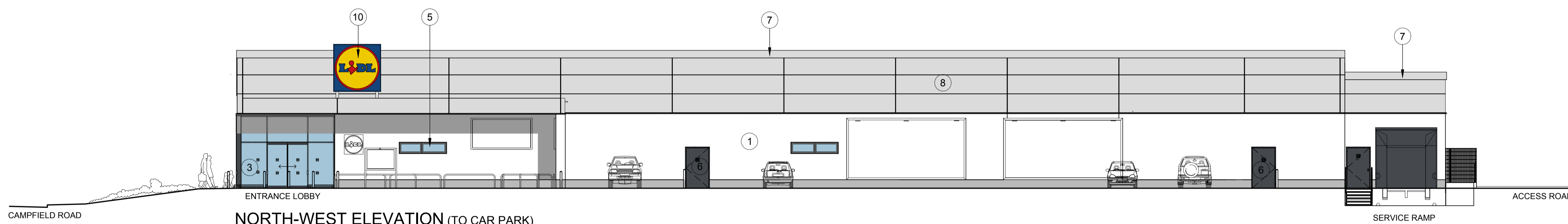
REV.	DATE	DESCRIPTION
A	08-03-19	GENERAL UPDATE
B	08-03-19	ROOF HEIGHTS ADDED
C	29-03-19	ROOF PV PANELS ADDED
D	21-06-19	GENERAL UPDATE

All signage indicative subject to a separate application for advertising consent



NORTH-EAST ELEVATION (TO CAMPFIELD ROAD)

LINE OF CAMPFIELD ROAD



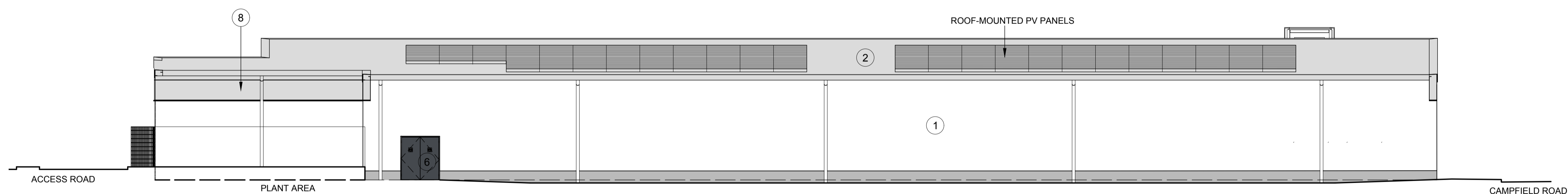
NORTH-WEST ELEVATION (TO CAR PARK)

CAMPFIELD ROAD

SERVICE RAMP

ACCESS ROAD

- 1 WALLS RENDERED & PAINTED WHITE RAL 9010. PLINTH RENDERED & PAINTED GREY RAL 7038.
- 2 3° PITCH ROOF, PROFILED COMPOSITE METAL COLOUR ALUMINIUM RAL 9006
- 3 POWDER COATED ALUMINIUM FRAMED GLAZED ENTRANCE LOBBY WITH AUTOMATIC DOORS COLOUR: GREY RAL7024
- 4 POWDER COATED ALUMINIUM FRAMED GLAZED SHOPFRONT COLOUR: GREY RAL7024
- 5 POWDER COATED ALUMINIUM FRAMED WINDOWS COLOUR: GREY RAL7024
- 6 POWDER COATED STEEL DOOR COLOUR: GREY RAL7024
- 7 EAVES, SOFFITS AND FASCIA PANELS COLOUR ALUMINIUM RAL9006
- 8 WALL CLADDING PANELS - METAL INSULATED COMPOSITE PANELS COLOUR: ALUMINIUM RAL9006
- 9 STEEL STEPS AND BALUSTRADE PAINTED GREY RAL 7024
- 10 INTERNALLY ILLUMINATED LIDL SIGNAGE
- 11 MINI DOCK LEVELLER



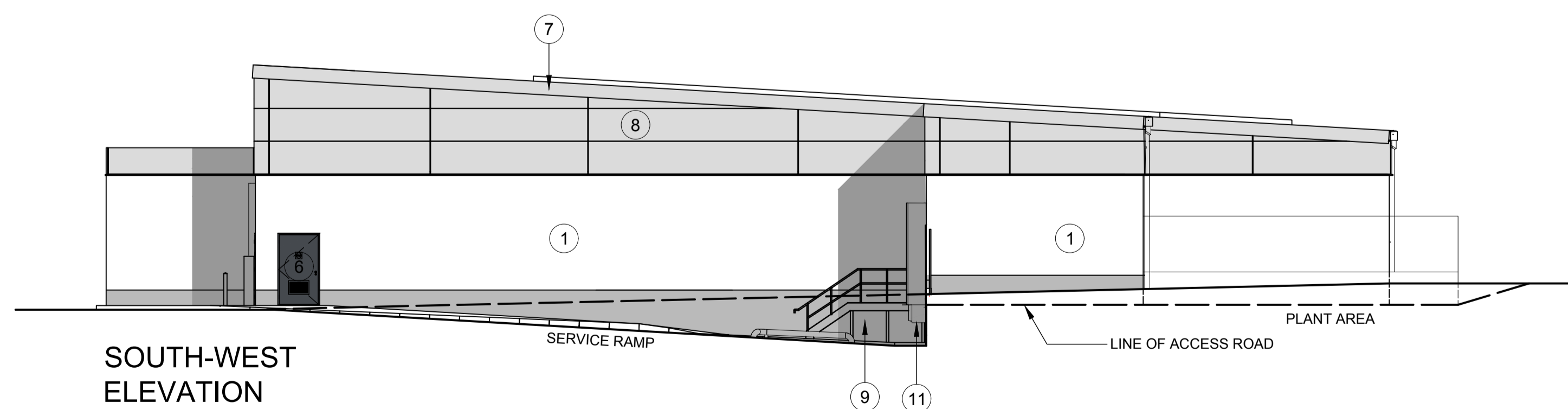
SOUTH-EAST ELEVATION

ACCESS ROAD

PLANT AREA

ROOF-MOUNTED PV PANELS

CAMPFIELD ROAD



SOUTH-WEST ELEVATION

SERVICE RAMP

LINE OF ACCESS ROAD

PLANT AREA

client

Lidl UK GmbH

project

**New Lidl Store
Campfield Road
Shoeburyness**

drawing

Proposed Elevations

scale

1:125@A1, 1:250@A3

date

Jan 19

drawn

RM

checked

drawing no.

7587L-18

revision

D

john roberts architects

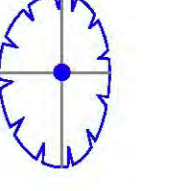
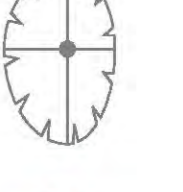
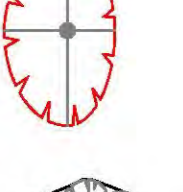







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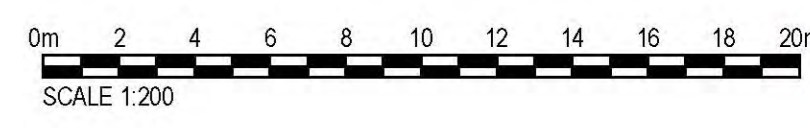
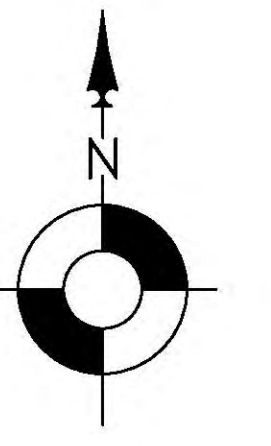


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 3. This drawing should be read in conjunction with all other relevant drawings and specifications.

Legend

-  Tree Position with Canopy Spread plus BS5837 Category B1, B2 or B3
-  Tree Position with Canopy Spread plus BS5837 Category C1, C2 or C3
-  Tree Position with Canopy Spread plus BS5837 Category U
-  Tree Group Area plus BS5837 Category B2
-  T/G202 Tree / Group Number
-  Root Protection Area - Based on Simple Radius from Tree
-  Anticipated Ultimate Crown Extent
-  Young Trees and Shrubs Area
-  S202 Young Tree and Shrubs Number
-  Site Boundary



Rev	Description	By	CS	Date

rps RPS GROUP
 EASY
 RPS House, Capital Drive, Lifford Wood, Milton Keynes MK14 6GP
 T: +44 (0)1908 669 899 E: rps@rpsgroup.com

Client: LIDL UK GMBH

Project: NEW GARRISON ROAD, SOUTHEND-ON-SEA, SS3 9FE

Title: TREE CONSTRAINTS PLAN

Status: FCR INFO Drawn By: TF PM/Checked by: BW

Project Number: JKK10373 Scale: 1:200 @A0 Date Created: 07/03/19

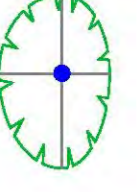
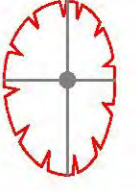
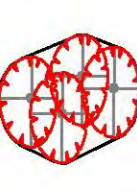
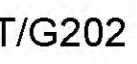




RPS Drawing/figure Number: JKK10373_TCP-500 Rev: 00

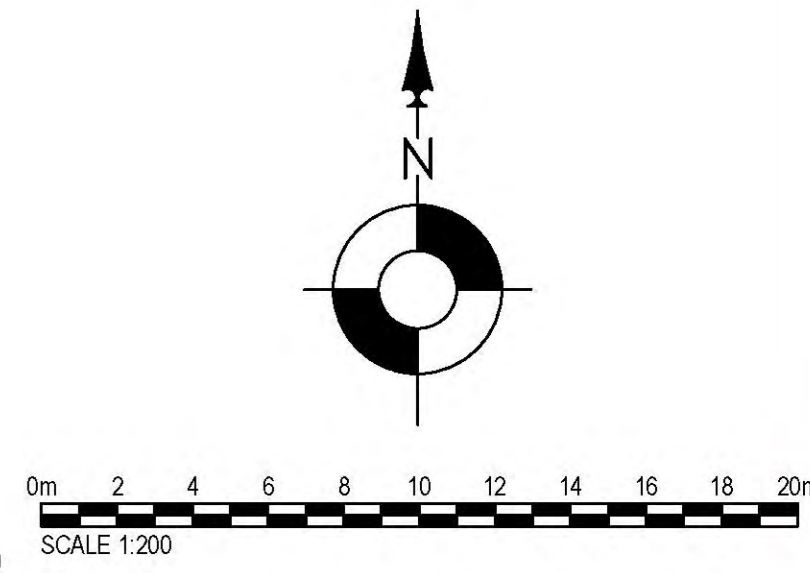
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 3. This drawing should be read in conjunction with all other relevant drawings and specifications.

Legend

-  Tree Position of Retained Tree
-  Tree Position of Tree to be Removed
-  Tree Group Area to be Removed
-  T/G202 Tree / Group Number
-  Root Protection Area - Based on Simple Radius from Tree
-  Young Trees and Shrubs Area
-  S202 Young Tree and Shrubs Number
-  Site Boundary



NO	DESCRIPTION	BY	CHKD	DATE
01	Issue issued for client approval. No changes to project.	TF	BM	30/04/19
02	Revised drawing to client approval.	TF	BM	07/03/19

rps MAKING COMPLEX EASY

Woods House, Capital Drive, Littleton Wood, Milton Keynes MK14 6GP
 T: +44 (0)1908 669 669 E: rps@rpsgroup.com

Client	LIDL UK GMBH
Project	NEW GARRISON ROAD, SOUTHEND-ON-SEA, SS3 9FE
Title	TREE RETENTION / REMOVAL PLAN
Status	FCR INFO
Drawn By	TF
PM/Checked by	BW
Project Number	JKK10373
Scale	1:200 @A0
Date Created	07/03/19
RPS Drawing/figure Number	JKK10373_TRRP-600
Rev	01
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1 Site and Surroundings

- 1.1 The site is accessed from Crosby Road to the north with a southern rectangular section of the site having a frontage onto Victory Path. The site constitutes the previous school playing field serving the school at 121 Crowstone Road, which has since been demolished. The site backs onto a number of dwellings in Crosby Road to the north and Crowstone Road to the east.
- 1.2 The area is largely residential in nature and is mainly characterised by large detached houses, although there are some examples of flats within the vicinity of the site. The scale of the surrounding development is mainly 2-2.5 storeys in nature, although the anomaly blocks of flats in the vicinity are up to 4 storey in scale. The southern part of the site adjoins a number of tennis courts. Beyond Victory Path is the C2C railway line.
- 1.3 The information submitted with the application indicates that the Independent Preparatory School closed in July 2016. The school buildings were demolished with consent obtained under prior approval (ref. 17/00938/DEM).
- 1.4 The front part of the site, where the vehicle access is proposed adjacent to no. 6 Crosby Road has no specific allocation within the Development Management Document Proposals Map. The rear part of the site constituting the former playing fields for the school is designated as protected green space under Policy CP7 of the Core Strategy and as specified on the Proposals Map.

2 The Proposal

- 2.1 Full planning permission is sought to erect three pairs of semi-detached dwellinghouses (i.e. 6 in total), layout amenity space to the rear, parking to the front and form access on to Crosby Road.
- 2.2 The houses are each 9.6m high, 6.4m wide and 11m deep (11.4m deep including the bay window). The houses are set over two storeys with rooms in the roof with a living room, kitchen and dining room to the ground floor, 3 bedrooms to the first floor and, 1 bedroom to the second floor within the roofspace. The internal floorspace of each dwelling is 171sqm.
- 2.3 The garden area to serve each dwelling ranges from 92sqm to 152sqm. Two parking spaces are provided per dwelling. The amenity space serving no. 6 Crosby Road amounts to 79sqm.
- 2.4 The proposal materials include rustic red stock brick with brick detailing and rendered façade, slate roof tiles and aluminium framing to the windows and doors.
- 2.5 The application is accompanied by a Design and Access, Planning Sustainability Statement.

3 Relevant Planning History

- 3.1 There is an extensive history on this site. The most relevant application is 17/02179/FULM which included the same protected green space subject of the current proposal. The other planning applications detailed below relate to the northern section of the site are also of relevance taking into account the access road and relationship to no. 6 Crosby Road.
- 3.2 17/00938/DEM- Demolish former prep school and associated buildings (Application for Prior Approval for Demolition)- Prior approval required and granted. Works have been completed.
- 3.3 17/02179/FULM– Demolish existing buildings, including 6 Crosby Road, erect three storey building comprising 20 self-contained flats, 6 no dwelling houses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road. – planning permission refused.

Reasons for refusal:

1. *“The south-western part of the application site constitutes designated protected green space which would be lost as a result of this development. The application has failed to clearly demonstrate that the open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility to replace the space lost. The development is therefore unacceptable and contrary to the National Planning Policy Framework and Policies KP2 and CP7 of the Core Strategy (2007)”.*
2. *“The proposal would, by reason of its size, scale, bulk, mass, siting beyond the established building line and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009)”.*
3. *“By virtue of the design, layout and siting of the car parking and access road proposed within the site, the development would result in unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of the neighbouring dwelling at No.125 Crowstone Road. The development is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009)”.*
4. *“A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of their inadequate size in terms of internal floorspace and bedroom size, the insufficient outside amenity areas proposed and the poor levels of light and outlook provided to habitable rooms. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, 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)”.*
5. *“The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area.*

The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework, Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015)”.

6. *“The submission does not clearly demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community in accordance with the requirements of the M4(2) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM8 of the Development Management Document (2015)”.*

The differences between the current application and the refused proposal are: the application does not include the site of the former school building and its immediate grounds; No. 6 Crosby Road will be retained but with a reduced private amenity serving that dwelling following the demolition of the two storey rear extension and new vehicle access proposed; and 6 houses in three pairs of semi-detached houses are now proposed to the south west of the site instead of six terraced houses.

- 3.4 18/00899/FULM – Demolish existing buildings including 6 Crosby Road, erect four storey building comprising 20 self-contained flats, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road (Amended Proposal)- Planning Permission Refused for the following reasons:

1. *“The proposal would, by reason of its size, scale, bulk, mass, siting and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009)”.*
2. *“The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough’s identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015)”.*
3. *“A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of the poor levels of light and outlook provided to habitable rooms. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), 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)”.*
4. *“The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of*

the Development Management Policies Document (2015)”.

The above application is of relevance because it utilised an access adjacent to no. 6 Crosby Road but did not include the former playing field within the proposed development site.

3.5 19/00534/FULM- Demolish existing buildings, erect part 2.5 storey/part 3.5 storey building comprising of 18 self-contained flats, layout parking including underground parking, hard and soft landscaping and alter existing vehicular access on to Crosby Road (Amended Proposal)- Planning permission refused.

1. *“The proposal would, by reason of its size, scale, bulk, mass, siting and detailed design, constitute a cramped, contrived and incongruous development that would be materially harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009)”.*
2. *“The siting, size and design of the proposed development is such that it would result in undue dominance, an overbearing relationship and a significant sense of enclosure to No.125 Crowstone Road, to the material detriment of the amenities of the occupiers of this property. The development is therefore unacceptable and contrary to 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) and the advice contained within the Design and Townscape Guide (2009)”.*
3. *“The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and it has not been shown that such a contribution is not viable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Document (2015)”.*

The above application is of relevance creating an access adjacent to no. 6 Crosby Road but did not include the former playing field within the proposed development site.

4 Representation Summary

4.1 Public Consultation

17 neighbouring properties were consulted and a site notice displayed. 23 letters of objection have been received stating:

- Members of the committee should carry out as site visit the site to see how small the area, parking problems and the location of the houses to existing properties;
- Covenant on land restricts to sports ground use
- Vehicle access not wide enough
- Extent of neighbour notification
- Semi-detached dwellings is not in character with surrounding area
- Crosby Road too narrow for additional residents

- Environmental issue replacing green land
- Protected Green Space
- Incongruous
- Overdevelopment
- Result in future development of the tennis courts
- Reasons for refusal of previous application apply
- Not a housing development site
- Several badger runs
- Overdevelopment
- Scale out of keeping
- Overlooking
- Imposing development
- Developers are currently attempting to build flats on the site of the previous Crowstone Preparatory School (e.g. planning application 19/00534/FULM) as well
- Knocking down no. 6 has not been mentioned [Officer Comment: No. 6 Crosby Road is not to be demolished as part of this application only the two storey rear extension to facilitate the vehicle access]
- Southend Council do not have a lack of housing land supply
- Too close to the railway
- Fails Policy CP4 of the Core Strategy
- Front gardens need hardsurfacing for parking
- No dimensions on the plans
- Flooding and drainage issues
- No biodiversity report has been submitted
- Anti-social behaviour problems on Victory Path
- Rear of no. 6 Crosby Road has been omitted from the plans [Officer Comment: Applicant confirmed two storey rear extension to be demolished]
- Inaccuracies in the statement submitted

4.2 Councillor Habermel has called the application in for consideration by the Development Control Committee.

4.3 **Environmental Health**
No objections.

4.4 **Highways Team**
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); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP7 (Sports, Recreation and Green Space) and CP8 (Dwelling Provision)

5.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), and Policy DM15 (Sustainable Transport Management)

- 5.4 Design & Townscape Guide (2009)
- 5.5 Vehicle Crossing Policy & Application Guidance (2014)
- 5.6 CIL Charging Schedule (2015)
- 5.7 National Technical Housing Space Standards (2015)
- 5.8 National Planning Practice Guide (2016)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of development, including the loss of the playing fields, design, impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, trees, landscaping and ecology, sustainability, Community Infrastructure Levy (CIL).
- 6.2 The recent planning history carries significant weight in the assessment of the proposal. The National Planning Policy Framework has been revised since the date of the earlier proposals on the site but do not alter the material planning considerations in any significant regards.

7 Appraisal

Principle of Development

Loss of protected green space

- 7.1 Paragraph 96 of the NPPF states *‘access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities’*.
- 7.2 The National Planning Practice Guide (NPPG) provides further guidance on open space, commenting: *“Open space should be taken into account in...considering proposals that may affect existing open space...open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure...as well as being an important part of the landscape and setting of building development, and an important component in the achievement of sustainable development...there is no lower size limit for a Local Green Space...land could be considered for designation even if there is no public access...”* (Paragraphs 001-016).
- 7.3 Paragraph 97 of the NPPF states: *‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
 - *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreational provision, the needs for*

which clearly outweigh the loss’.

7.4 Policy CP7 of the Core Strategy states:

‘All existing and proposed sport, recreation and green space facilities (including the Southend foreshore and small areas of important local amenity, community resource or biodiversity value) will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.

Any alternative facilities provided in accordance with the above considerations will be required to be provided and available for use before existing facilities are lost. The displacement of existing and proposed facilities from within the built-up area into the adjacent countryside, so as to provide further land for urban development, will not be permitted.’

7.5 Planning application 17/01279/FUL was refused, amongst other reasons, because of the resultant loss of designated green space in conflict with Policies KP2 and CP7 of the Core Strategy. The planning statement submitted with this application states: *“The Southend Borough Council policies map does not outline the site as protected green space”*. This statement is incorrect. The proposals map for the Development Management Document clearly shows the area subject of the application to be protected green space as per the previous recommendation for refusal.

7.6 The planning statement goes on to state: *“The proposed development must make the best use of previously developed land, which this application does providing much needed housing in a sustainable location on an unused and redundant site...The proposal does not reduce the amount of biodiversity in accordance with Policy KP2. The amenity value of the wider streetscape is also enhanced through the redevelopment of unused and unsightly land into much needed and well-designed family housing”*.

7.7 With reference to Policy CP7 the planning statement states: *“The site has never been used as amenity space to the general public, and at present the site does not provide any amenity use to the private community that once used it, nor is there any viable likelihood that the site will again serve this community, or a similar community in the future, therefore there is no loss of amenity space or facilities to any or future communities. In this regard the application is compliant with Policy CP7”*.

7.8 The rear part of the site formed part of the school playing fields and irrespective of whether it was public accessible open space, paragraph 97 of the NPPF still applies as this proposal will result in the loss of an area of existing playing field. Likewise, Policy CP7 of the Core Strategy seeks to safeguard all sport, recreation and green space facilities unless it can be demonstrated that alternative facilities are being provided. In this respect, the applicant has not submitted any detailed evidence to demonstrate that the open space is surplus to requirements or that it will be replaced. The development does not provide an alternative sport or recreation facility. As such, an objection is raised to the principle of the development on this basis.

Residential Use

7.9 Policy DM3 (section 2) of the Development Management Document states:

“All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:

- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
- (ii) Conflict with the character and grain of the local area; or*
- (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*

- 7.10 The above points will be addressed in more detail set out in the report below.
- 7.11 It is acknowledged that the site is within a residential area surrounded by dwellinghouses and the proposal will provide six 4 bedroom dwellings. This represents a public benefit of limited weight, given the relatively small number of dwellings proposed and the limited contribution this would have to housing delivery.
- 7.12 In conclusion, taking into account of that limited public benefit the in-principle harm caused by the loss of designated protected green space that the playing fields comprise is unacceptable and conflicts with local and national policy including the objectives of Policies DM1 and DM3 of the Development Management Document (2015).

Design and Impact on the Character of the Area

- 7.13 Paragraph 124 of the NPPF states *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this”*.
- 7.14 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.15 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.16 The surrounding area is mainly characterised by medium to large detached houses, generally of individual styles, but similar characters, 2 to 2.5 storeys in scale. The majority have hipped roofs, providing a spacious character to the area. There are two buildings in the area which stand out from this established character; Sunningdale Court which is a 4 storey block of flats to the north of the site and Britannia Lodge to the south-east of the site which is a three storey block of flats.

- 7.17 The proposal seeks to erect three pairs of semi-detached properties accessed from Crosby Road to the north. The layout includes the formation of a new vehicle access from Crosby Road to the north access to the new houses, with parking to the front and gardens to the rear abutting Victory Path to the south. The vehicle access would result in the loss of the two storey rear extension serving no. 6 Crosby Road however, it is not considered the road layout would have a detrimental impact on the character of the area taking into account the existing vehicle access from Crosby Road to the north serving no. 6 and properties to the east of the site in Crowstone Road. The vehicle access is in a similar position that the proposed under application 17/02179/FULM (albeit no. 6 Crosby Road is no longer being demolished in its entirety) and was not objected to on layout grounds.
- 7.18 The scale and height of the development 2.5 storeys is acceptable and would not be out of keeping with the surrounding area. The terraced houses proposed previously under application 17/02179/FULM, were not objected to on scale or height grounds and the dwellings proposed are similar.
- 7.19 The properties face the rear of properties in Crosby Road, the plot widths are narrower than the existing houses in Crosby Road and Crowstone Avenue. However the development will have limited public views from Crosby Road and Crowstone Avenue and not affect the character and streetscene of the surrounding area. On balance this is not objected to given the site will have limited views from Crosby Road and Crowstone Avenue. The layout does not create views and access across the site to provide natural surveillance as supported by the Design and Townscape Guide. On balance, it is not considered the form, scale or layout of the dwellings would result in material harm such that a reason for refusal on this basis could be reasonably justified.
- 7.20 The design in general is considered to be acceptable. The dwellings feature projecting gable features to the roof and bay windows to add visual interest include the use of red brickwork and white render reflecting the materials found on traditional buildings nearby. Previously under application 17/02179/FULM the dwellings were considered to be poor design detailed and expanses of blank windows and poor material choices. All elevations of this development are of sufficient quality design, with a number of openings to not create large expanse of blank elevations and the overall design is cohesive. All elements of the building relate adequately to each other and the surrounding area. The materials include a mix of brickwork and render similar to properties in the surrounding area.
- 7.21 In terms of hard and soft landscaping, the parking is provided to the front of the site with hard paving and there is a planter buffer zone proposed to the northern boundary. Planted areas are also located either end of the development and soft landscaping to the rear for the garden areas serving the new dwellings. This is considered to be generally acceptable and full details could be controlled by condition if the application were deemed acceptable.
- 7.22 Subject to conditions, the development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.23 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality

development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.

- 7.24 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):

“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”

- 7.25 The proposed dwellings windows and openings facing the rear of dwellings in Crosby Road would have a separation distance of some 28m to 30m with a separation distance of some 12.7m between the windows within the proposed development and the rear gardens of the existing dwellings in Crosby Road. There would be some 16m to 37m separation between the flank elevation of the new dwellings to the rear elevations of 129, 135 and 137 Crowstone Road. Given this relationship, the development would not result in material harm to the amenity of existing occupiers by reason of loss of light, outlook or sense of enclosure nor would it harm privacy.

- 7.26 Taking into account the overall depth and height of the dwellings and the separation distances involved to the neighbouring properties along Crosby Road to the north and Crowstone Road to the east, it is not considered that the proposal would harm the light, outlook, privacy or rear garden scene of any other neighbouring properties any regard. The properties back onto Victory Path and the railway to the south, thus not affecting residential amenity. Subject to appropriate conditions the proposal is therefore acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.27 Policy DM15 of the Development Management Document seeks a minimum of 2 car parking spaces per dwelling. As such there is a requirement for 12 parking spaces to serve the development.

- 7.28 The proposal provides 12 parking spaces and is therefore policy compliant in this respect. The proposed new vehicle layout ensures that vehicles can enter the site, manoeuvre and exit in a forward gear with an access width of 4.8m including the first 6m of the access into the site at 4.8m wide and each parking space is 2.4m wide and 5m in depth in accordance with the advice contained within the Design and Townscape. There is sufficient parking space for two vehicles to the front of 6 Crosby Road to be retained. The Highways team conclude the proposal would not have a detrimental impact on the public highway. The development is acceptable and policy compliant in this respect.

- 7.29 In terms of refuse facilities, there is sufficient space to the rear of the dwellings to provide refuse storage and a refuse vehicle will be able to access the site in accordance with the Councils Waste Management Guide. Subject to a condition requiring full details of the refuse storage facilities proposed no objection is therefore raised on this basis.

7.30 The development is acceptable and policy compliant in this respect.

Standard of Accommodation

7.31 Paragraph 127 of the NPPF states *'Planning policies and decisions should ensure that developments...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:*

- Minimum property size for residential units shall be as follow:
 - 4 bedroom (8 bed space) 124sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

7.32 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

7.33 The application complies with the above standards and therefore no objection is raised. All habitable rooms will be provided with suitable fenestration to provide adequate levels of light and outlook.

7.34 The amenity space ranges from 92sqm to 152sqm, adequate in size and layout to meet the needs of future occupiers. The proposed amenity space to no. 6 Crosby Road would be reduced from 179sqm to 79sqm (including the removal of the two storey rear extension). Taking into account the layout of the access road to serve the new dwellings

at the rear of the site only some 48sqm is considered useable amenity space to serve the existing occupiers of no. 6 Crosby Road. On balance, it is considered the reduced amenity space whilst disappointing would not warrant a reason for refusal in this instance as there is sufficient space for residential occupiers to utilise.

- 7.35 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. The planning statement accompanying this planning application states the proposal would comply with part M4(2) and subject to a condition requiring this no objection is raised on this basis.
- 7.36 Subject to conditions, on balance, the development would provide adequate living conditions for any future occupiers of the site and is acceptable and policy compliant in this respect.

Trees, Landscaping and Ecology

- 7.37 There are no trees subject to Tree Preservation Orders (TPOs) on the site. A number of trees to the north and western boundary that could potentially be affected by the development and further details would be required to be dealt with by condition to ensure full details and that new landscaping is undertaken if the application were otherwise compliant. No objection is raised to the proposal on this basis.
- 7.38 In terms of ecology, whilst no documents have been submitted consideration has to be given to the previous applications notably 19/00534/FULM and 17/02179/FULM. They concluded that there was no evidence of badger setts or foraging activity by badgers on the site. The report recommended a number of precautionary measures in relation to badgers, such as covering trenches at night. Recommendations were also made in relation to hedgehogs which could be present at the site, but commented that the site has negligible potential for great crested newts and low potential for reptiles. The report made recommendations in relation to breeding birds; for example that the areas of scrub and trees are cleared outside the bird-nesting season (March to August inclusive).
- 7.39 The bat survey carried out in 2017 found no evidence of the presence of bats within the site and concluded that the proposal would not have a detrimental effect on the local bat population.
- 7.40 Whilst these reports are dated, given the nature of the site and the findings of the reports it is considered on balance and in the absence of other evidence that these issues could be controlled by condition were the application otherwise deemed acceptable.

Sustainability

- 7.41 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design. The applicant has confirmed the new dwellings would be served by a mix of combined heat and power units (CHP) and photo voltaic panels. This could be covered by condition.

- 7.42 The site is located in flood risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. Subject to a condition in this respect no objection would be raised.
- 7.43 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. In this respect the sustainability and energy report submitted demonstrates that a minimum water use of 105 litres per person per day (excluding external water use) is achievable. Subject to a condition in this respect no objection would be raised on this basis.

Community Infrastructure Levy (CIL)

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

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development results in the unjustified loss of playing fields designated as protected green space. The benefits of the proposal in providing new housing do not outweigh the significant harm identified as a result of this proposal and the application is therefore recommended for refusal.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reason:

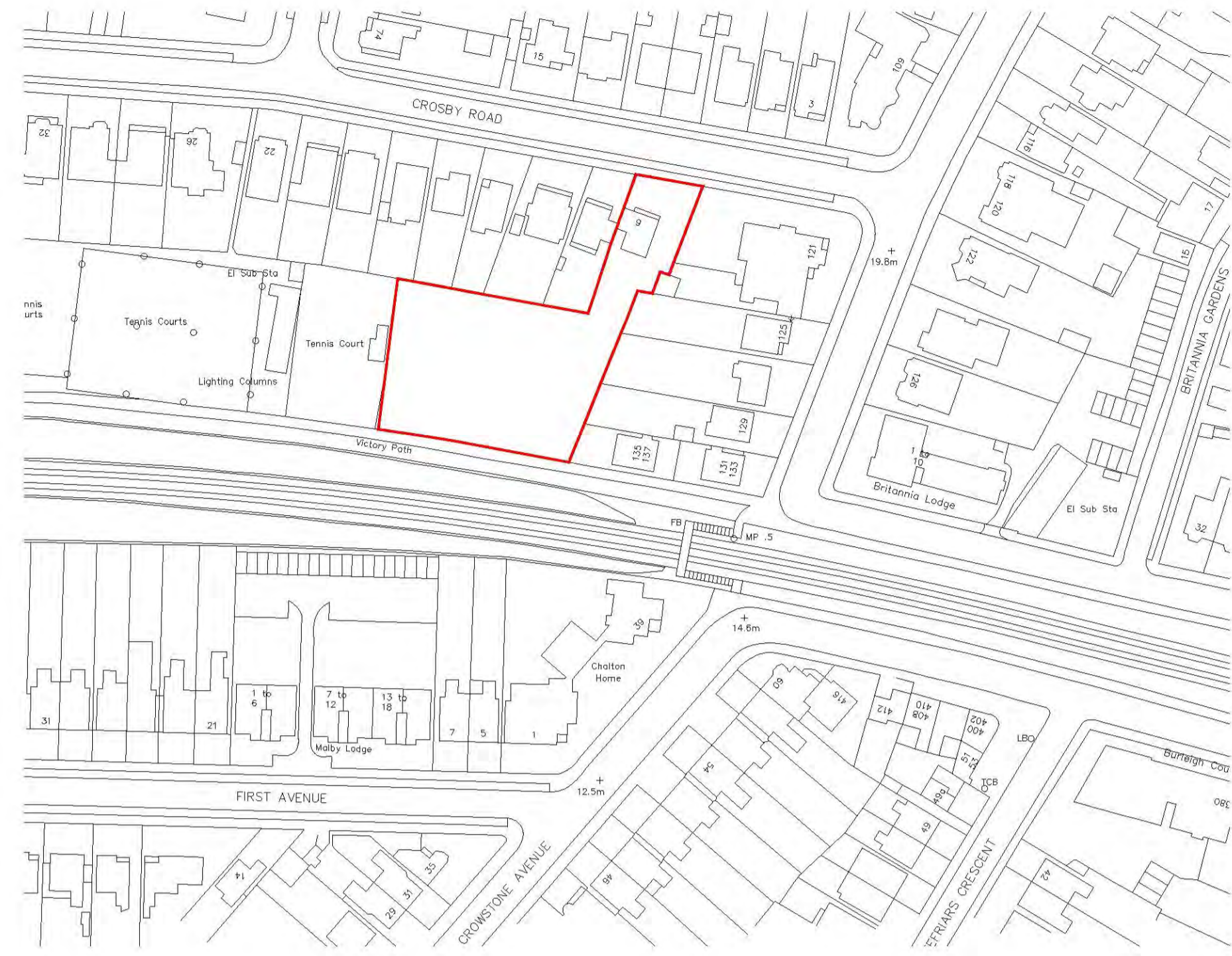
- 01 The south-western part of the application site constitutes a playing field designated as protected green space which would be lost as a result of this development. The application has failed to demonstrate that the existing open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility to replace the space lost. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP7 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

Informatives:

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

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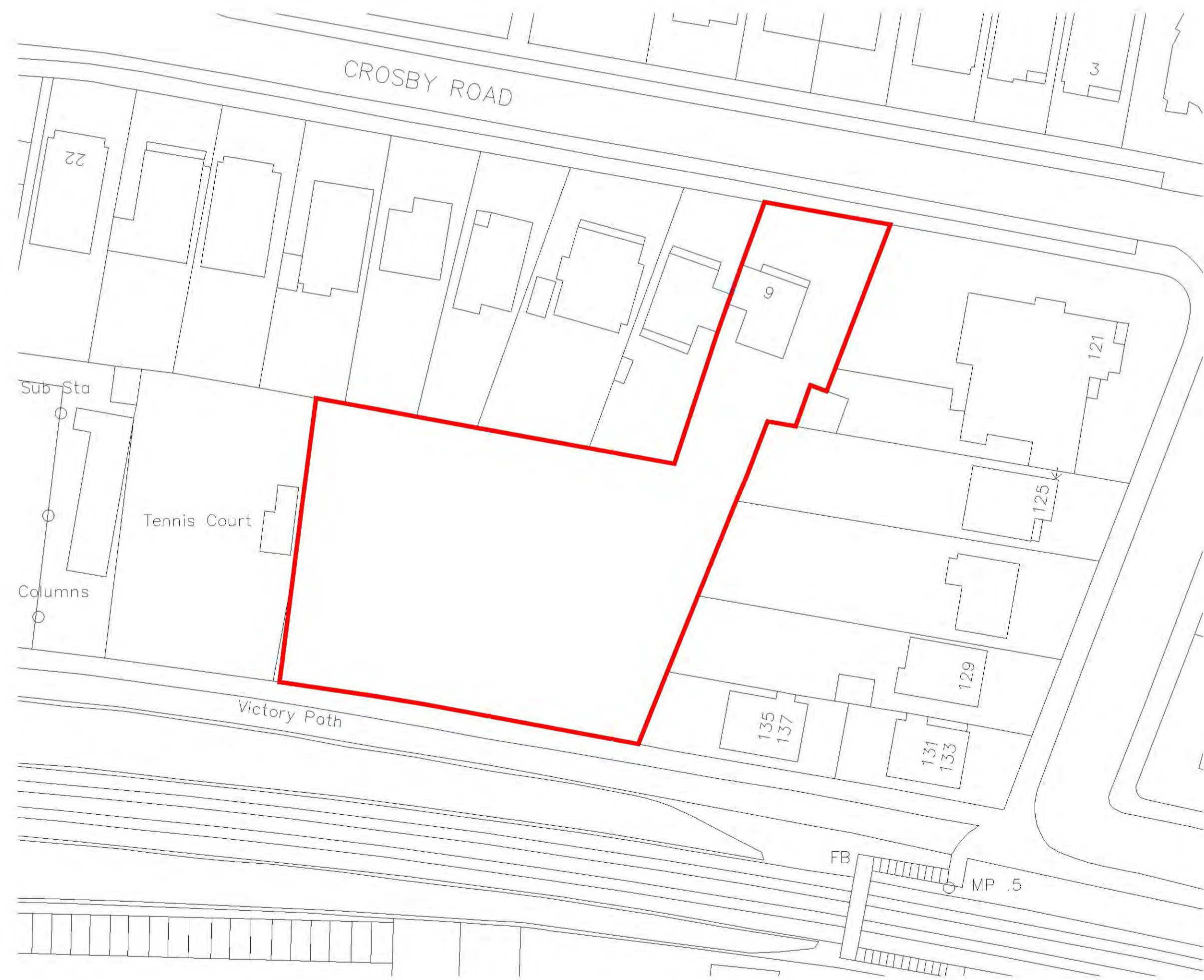
Existing Location Plan 1:1250

North



Proposed Location Plan 1:1250

North



Existing Block Plan 1:500

North



Proposed Block Plan 1:500

North

Notes			
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Production of drawings	HP	04/05/2019
Rev	Comment	By Date

Stage:
3 - Planning

Client:
BESB Contracts Ltd

Project:
121-123 Crowstone Road
Westoff on sea
Essex
SS0 9SH

Drawing Title:
Site and Block Plans

Drawing no:
552-P01

Revision	Drawn by
Project no	Checked by

Scale: 1:500, 1:1250 @ A1

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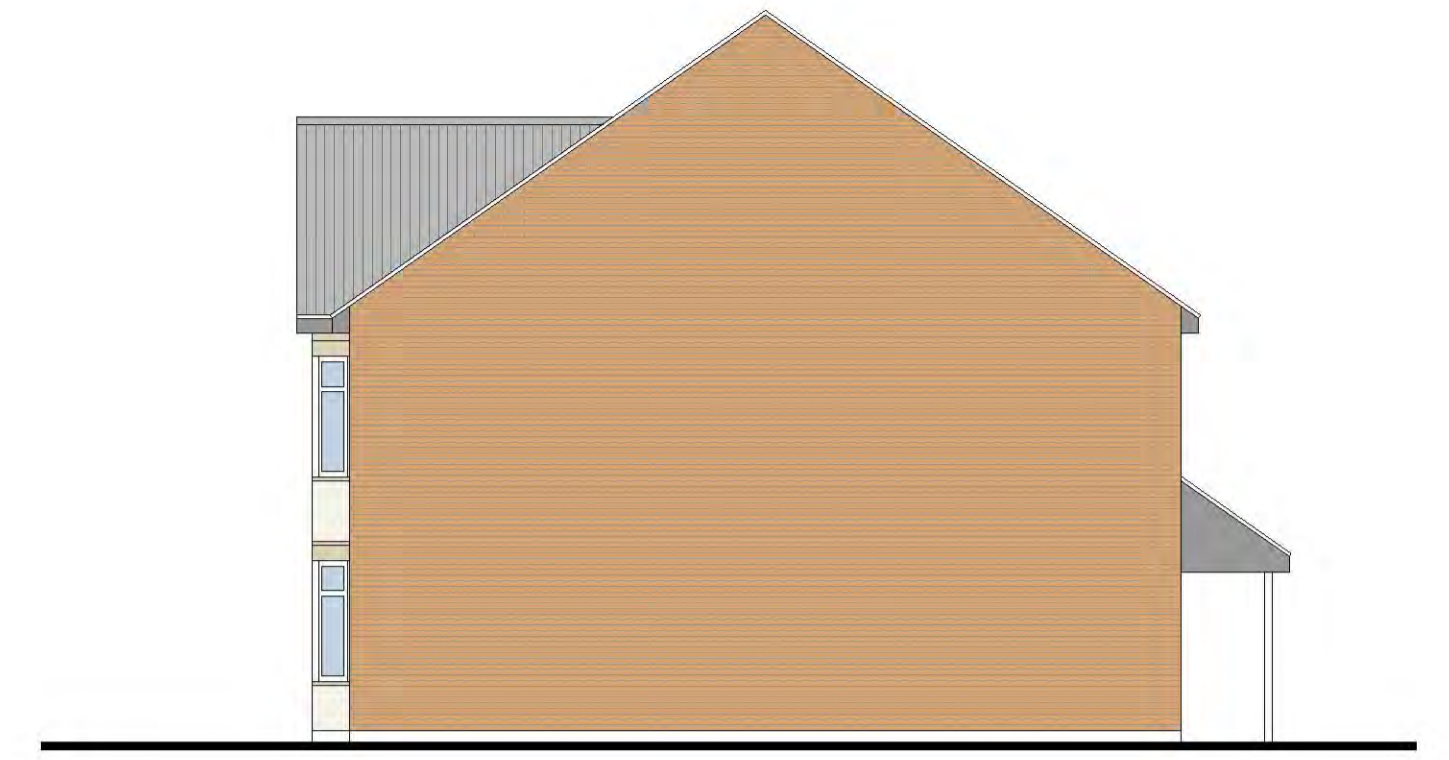
853 853 London Road
Westoff on Sea
SS0 9SZ
Tel: 01702 556250
Email: info@skarchitects.co.uk

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Proposed Front Elevation 1:100
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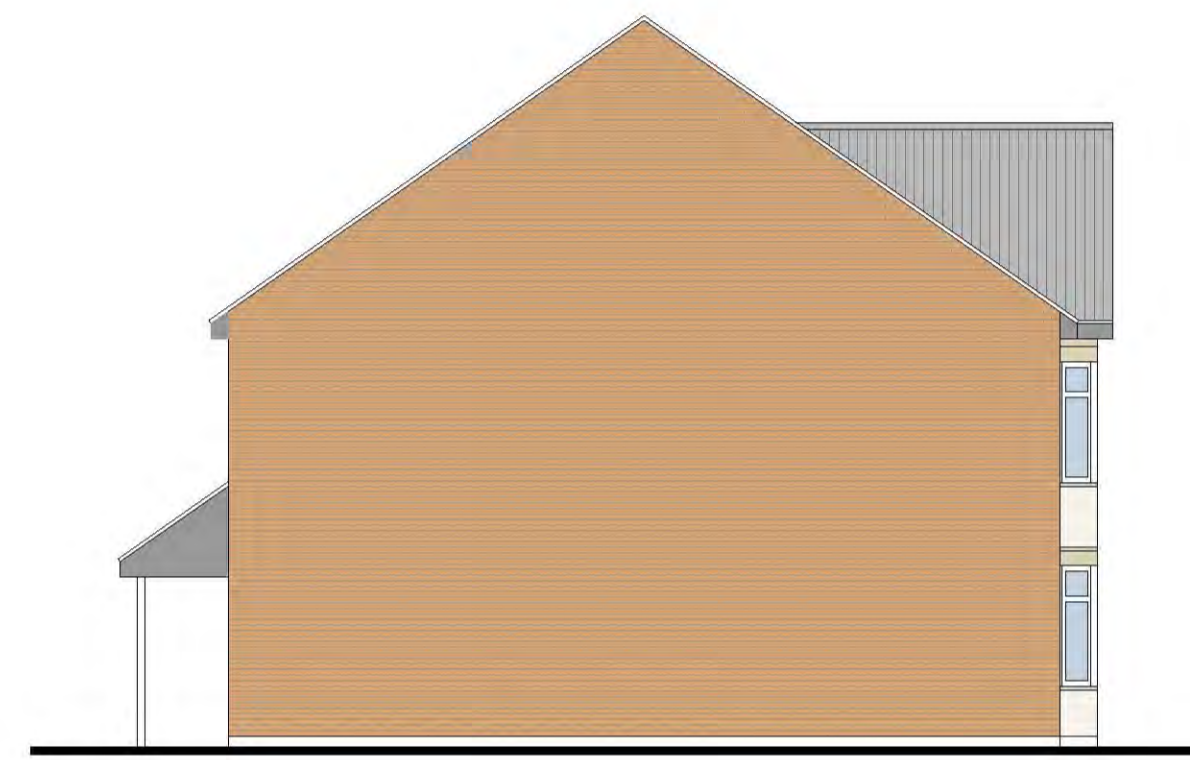
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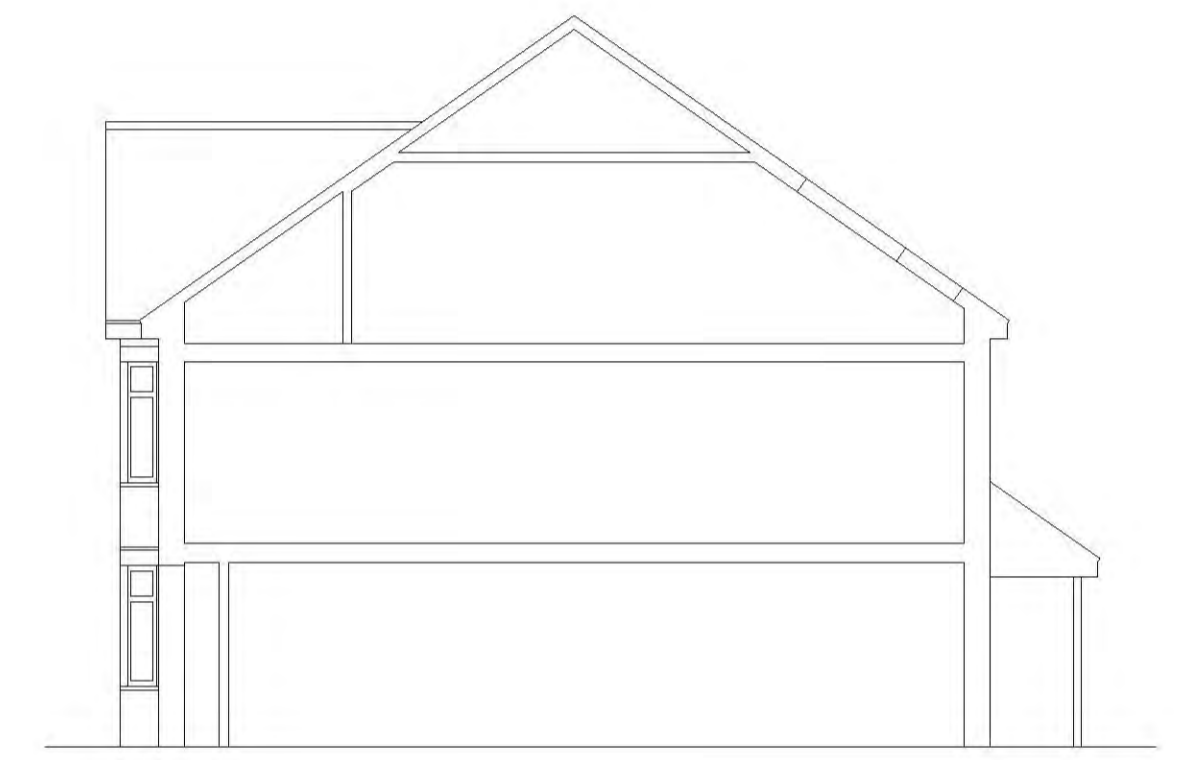
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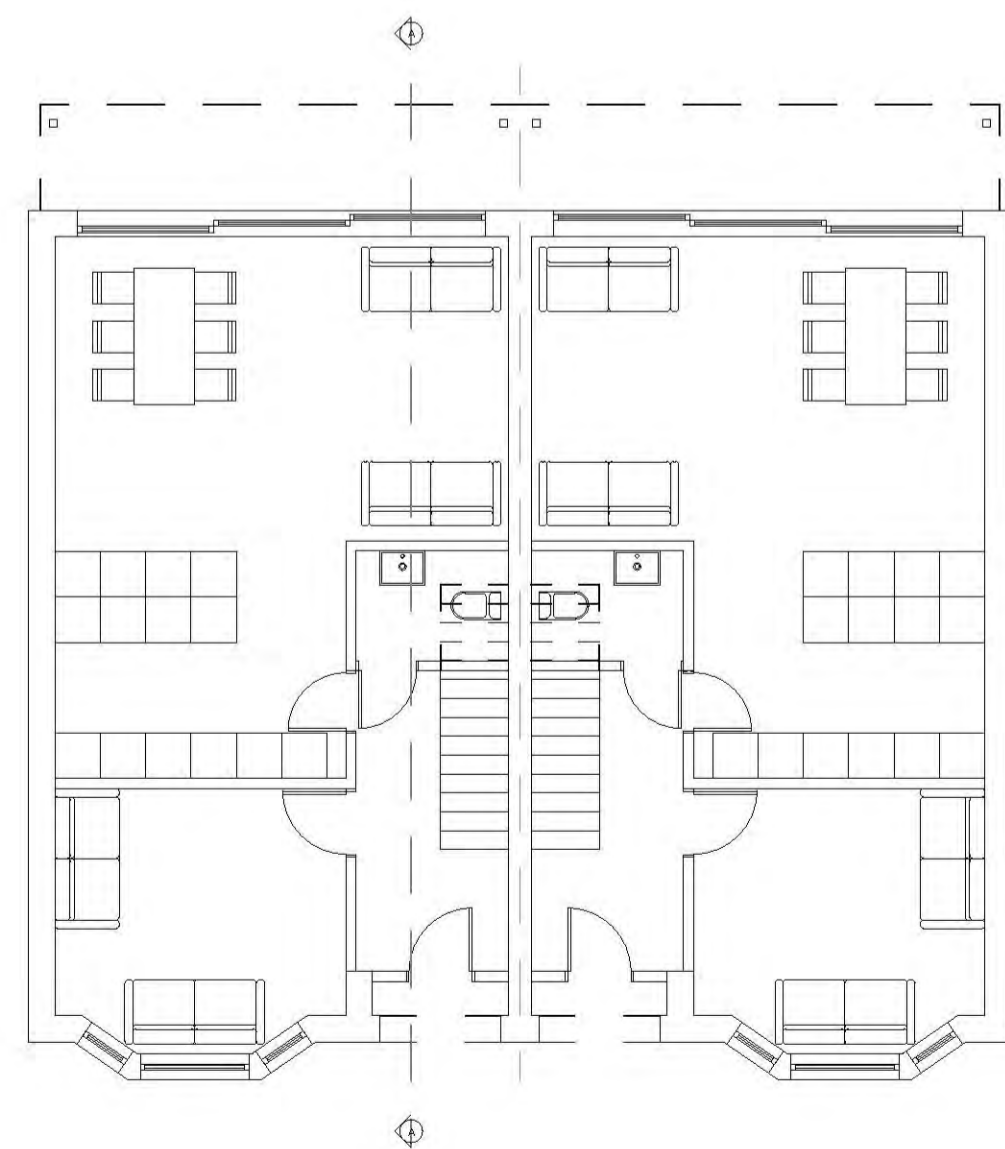
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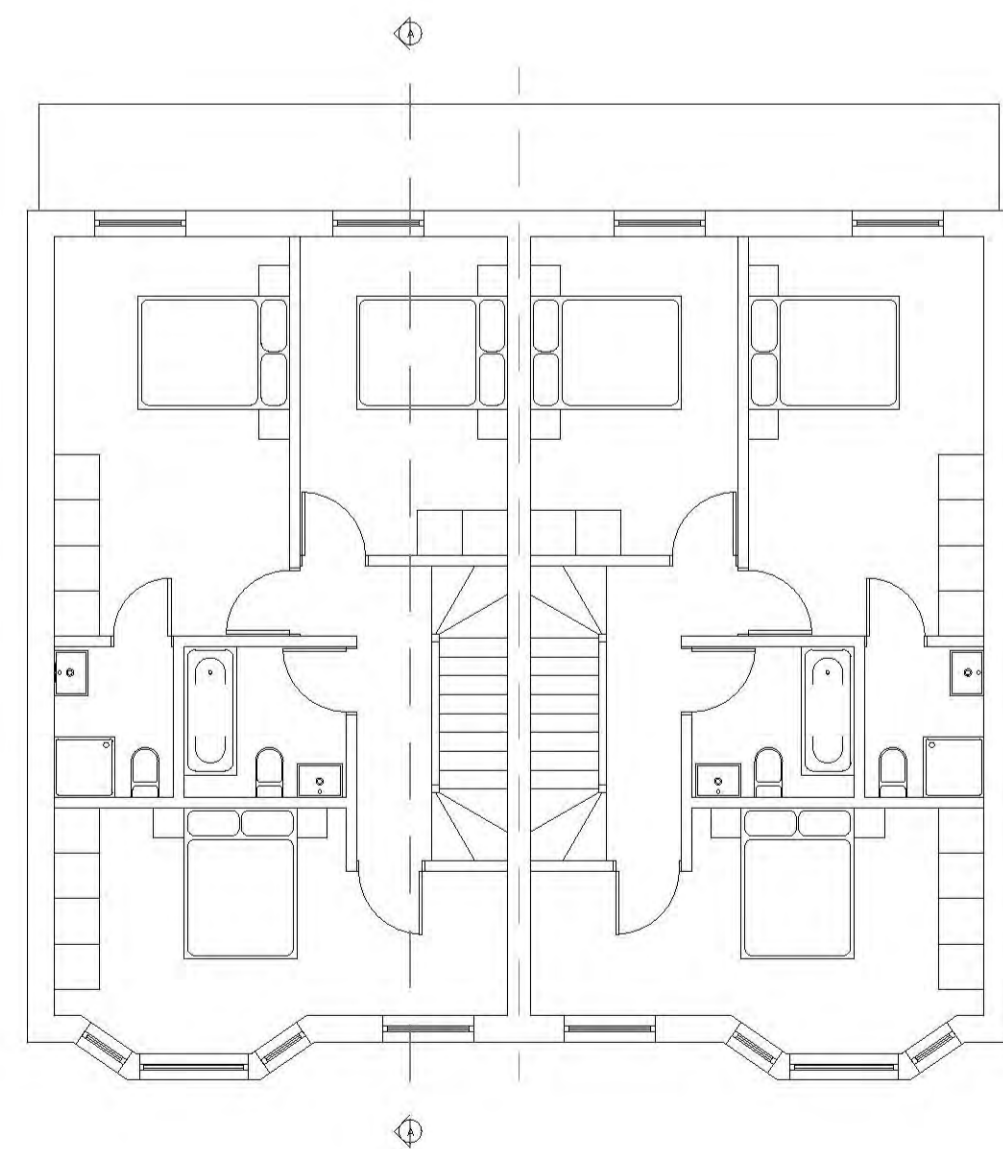
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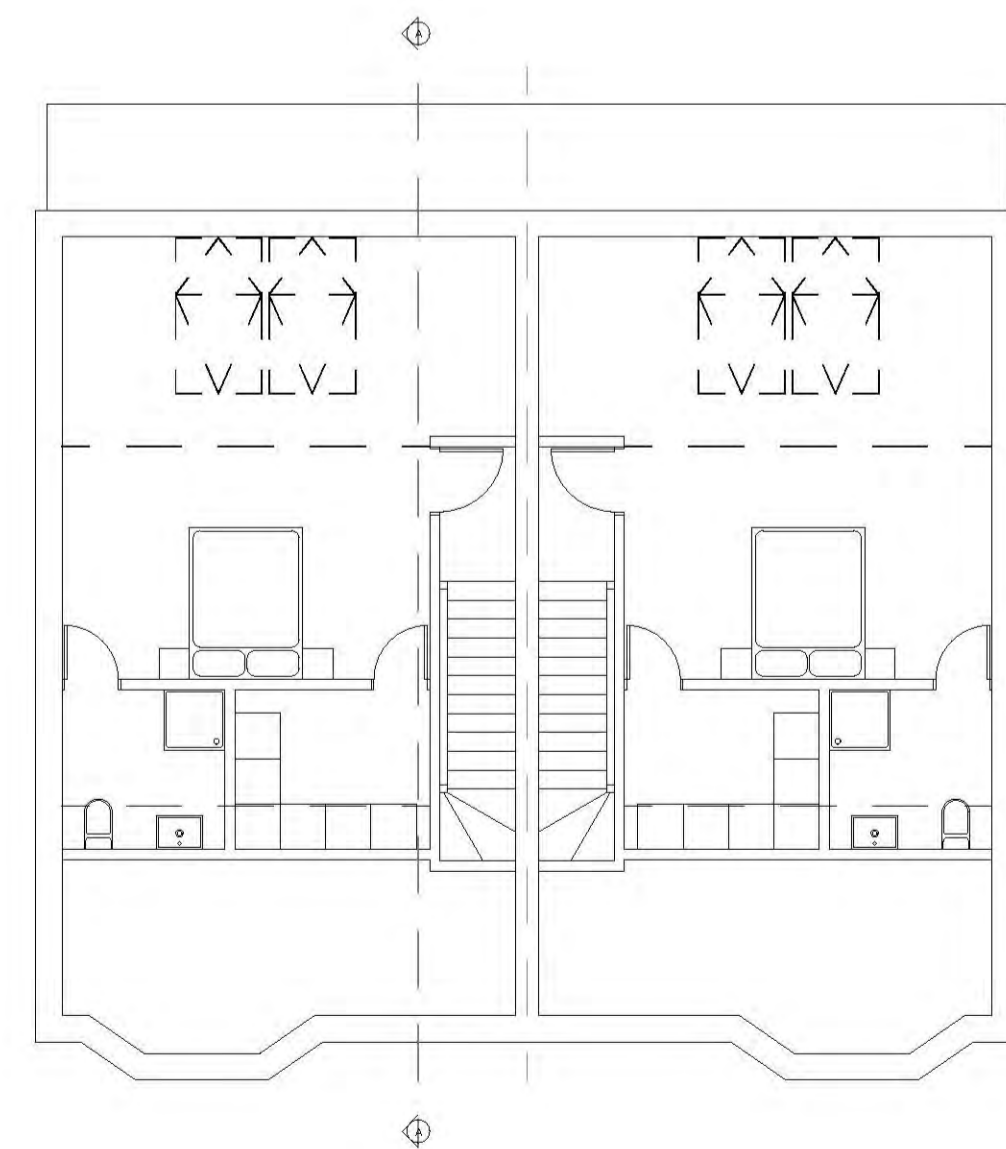
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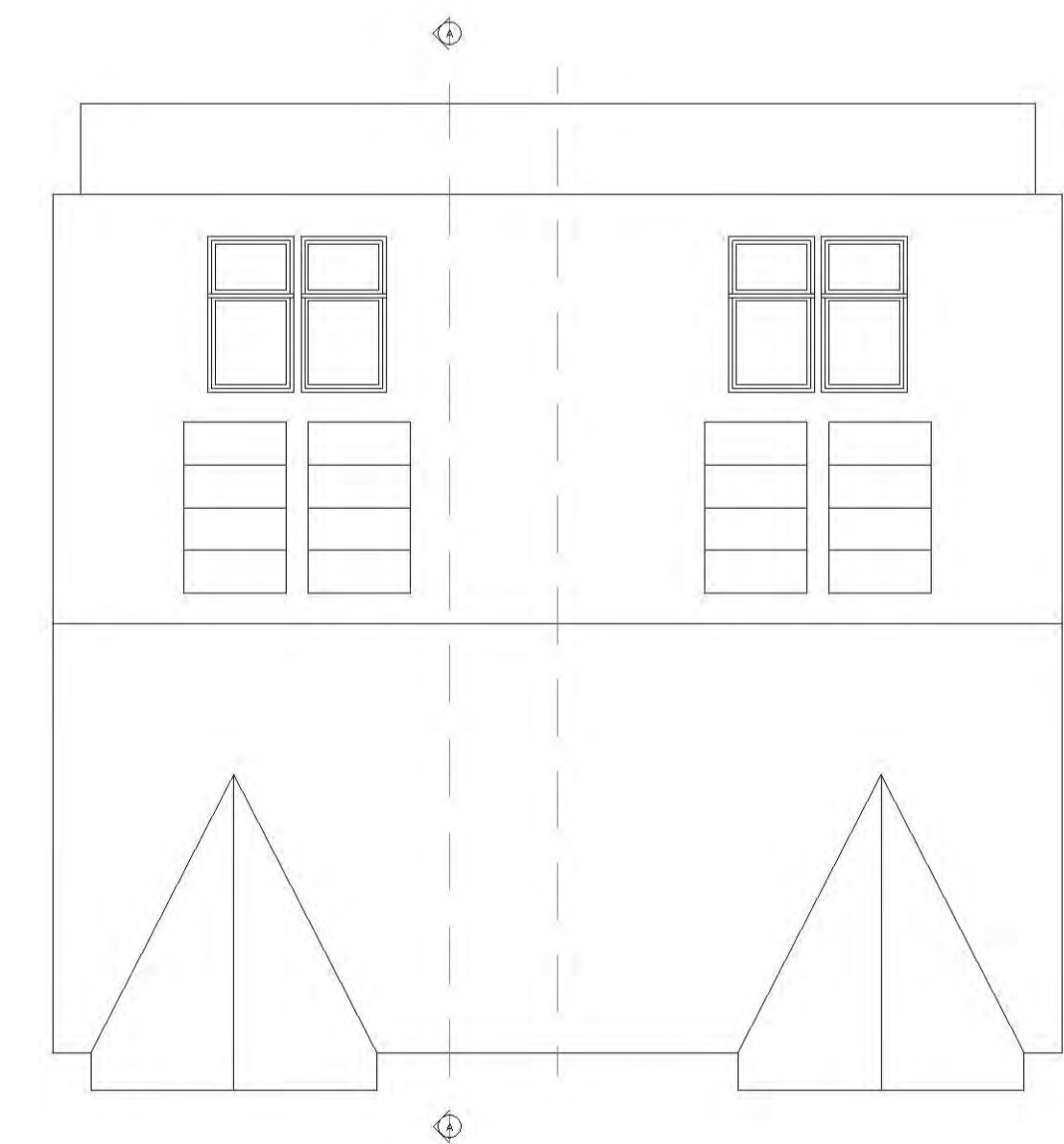
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Proposed First Floor Plan 1:100
0 1 2 3 4 5



Proposed Second Floor Plan 1:100
0 1 2 3 4 5



Proposed Roof Plan 1:100
0 1 2 3 4 5

Notes			
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Production of drawings	HP	04/05/2019
Rev	Comment	By Date

Stage:
3 - Planning

Client:
B&B Contracts Ltd

Project:
121-123 Crowstone Road
Westoff on sea
Essex
SS0 9LH

Drawing Title:
Proposed Plans & Elevations

Drawing no:
552-P02

Revision: ... Drawn by: ...
Project no: 552 Chkd by: ...

Scale: 1:100 @ A1

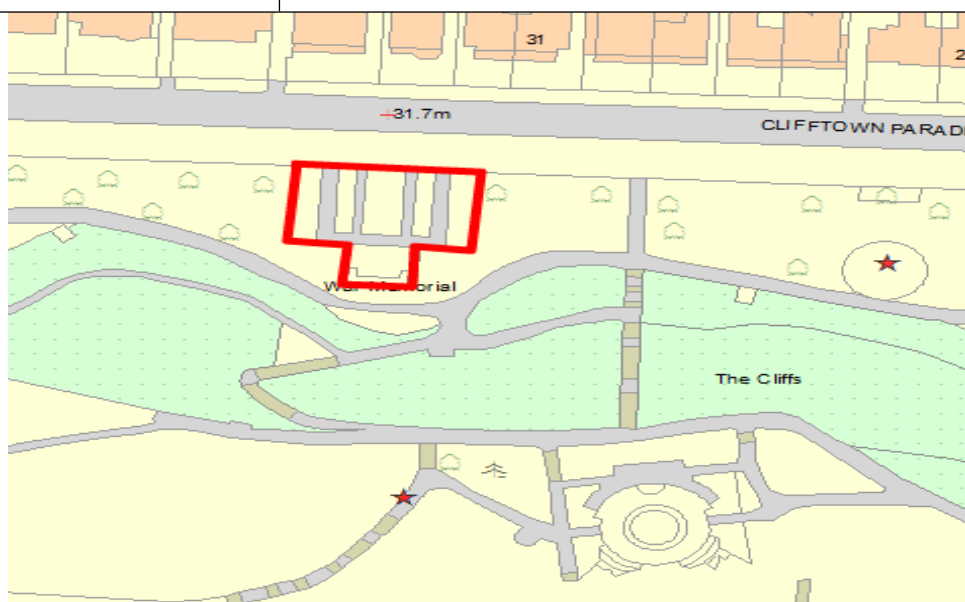
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Reference:	1. 19/01093/BC3 2. 19/01094/LBC	6
Application Type:	Listed Building Consent and Planning Permission	
Ward:	Milton	
Proposal:	Erect bronze statue of soldier in front of Cenotaph War Memorial (Listed Building Consent and Planning Permission)	
Address:	War Memorial, Clifftown Parade, Southend-On-Sea	
Applicant:	Southend Borough Council	
Agent:	Southend Borough Council	
Consultation Expiry:	8th August 2019	
Expiry Date:	13th September 2019	
Case Officer:	Janine Rowley	
Plan Nos:	CNTPH/PLNapp/DG/BLUE001; CNTPH/PLNapp/DG/RED001 CNTPH/PLNapp/DG/BLUE002 CNTPH/PLNapp/DG/RED002 CNTPH/PLNapp/DG/Vs+Elvns/001	
Recommendation:	1. GRANT PLANNING PERMISSION 2. GRANT LISTED BUILDING CONSENT	



1 Site and Surroundings

- 1.1 The War Memorial is a Grade II* Listed Building located on the south side of Clifftown Parade within the area known as 'The Cliff's. The area is of an open character with sea views across the Thames Estuary to the south. To the north of Clifftown Parade are building in uses as flats, dwellings and hotels. The site is located within the Clifftown Conservation Area.
- 1.2 The Cenotaph is situated in Clifftown Parade, within formal gardens and landscaped areas. The Cenotaph is accessible to the public at all times.
- 1.3 In addition to the heritage designations the site falls within a protected green space, within the seafront landmark area as defined by Policy DS3 and within the Central Seafront Policy Area and Policy PA6 Clifftown Policy Area as defined by the Southend Central Area Action Plan.

2 The Proposal

- 2.1 Listed building consent and planning permission is sought to erect a bronze statue of soldier 1.8m high and 0.5m wide in front of Cenotaph War Memorial, a grade II* listed structure. The statue will be cast in bronze secured to a concrete block below the surface of the ground.
- 2.2 The proposed Statue is to commemorate 100 years since the cessation of hostilities during World War 1. The Statue will be cast in Bronze and will depict a soldier from the period (1918) in the Rest Rifles position. This position was adopted during ceremonial proceedings. The statue will be of the following approximate dimensions; 1.75 metres tall and 0.6 metres between the elbows. The Statue will be set flush to the ground with none of the plinth sides showing.
- 2.3 The application is accompanied by a heritage and access statement.

3 Relevant Planning History

- 3.1 13/00612/BC3- Erect bronze memorial plaque to front of north-east pier adjacent to steps- Grant Planning Permission.

4 Representation Summary

4.1 Public Consultation

29 neighbouring properties were consulted and a site notice displayed. A notice was also placed in the press. One letter of representation has been received:

- Siting of the new statue is not appropriate and would mar the cenotaph
- The Cenotaphs appearance is simple and clean lined and this sculpture should be reconsidered

4.2 Historic England

The Southend-on-Sea War Memorial is a very distinguished structure, constructed in 1921 in the immediate aftermath of the First World War. The Portland Stone and painted flag composition, and its wider landscape, were designed by Sir Edwin Lutyens, unquestionably the most distinguished and arguably the most talented of the architects involved in the commemoration.

Lutyens designed 58 memorials commemorating the war, including the Cenotaph in Whitehall and the Memorial to the Missing of the Somme at Thiepval, France. Of these, six follow a similar form, being based around an obelisk with flags. Of those six, Southend was the earliest built version, while the Northampton memorial of 1926 was the latest. The significance of the Southend Memorial is reflected in its listing at Grade II*.

It is proposed to install a life-sized bronze figure of a First World War soldier as part of the commemoration of the centenary of the end of the war. The bronze figure will stand on axis with the obelisk, as part of the central composition of the memorial. Its contrasting yet appropriate materials will complement the existing composition, adding a further layer of meaning.

National policy as set out in the NPPF makes clear the government's commitment to sustainable development (para 7 & 8). Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance (para 184). When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation (para 193). Harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use (para 196).

Recommendation

Historic England has no objection to the applications on heritage grounds. We consider that the applications meet the requirements of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

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), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Management Document (2015): Development Management Document (2015) Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), and DM5 (Southend's Historic Environment)
- 5.4 Design & Townscape Guide (2009)

5.5 Southend Area Action Plan (SCAAP) (2018) Policy PA6 (Clifftown Policy Area Development Principles) and DS3 (Landmark and Landmark Buildings)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this development are the design and impact on the character and appearance of the site and wider area, impact on the heritage assets, the impact on neighbour amenities, transport issues and CIL. The only consideration in relation to the application for listed building consent is the impact on the architectural and historic character and significance of the listed building and its setting.

7 Appraisal

Principle of Development

7.1 The National Planning Policy Framework and local planning policies support alterations to listed buildings and properties in conservation areas provided the proposal has due regard for the impact of the works on the special historic character and significance of the listed building and on the wider conservation area, including the setting of other listed buildings in the vicinity. Any changes must also have regard for the amenities of the surrounding neighbours. The proposal is therefore acceptable in principle subject to demonstrating that the changes and additions are compatible with these requirements and that no harm would result to the protected green space and objectives of policy for such space.

Design and Impact on the heritage asset and the Character of the Area

7.2 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

7.3 Paragraph 195 of the National Planning Policy Framework states where a proposed development will lead to '*substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...*'

7.4 Paragraph 196 of the National Planning Policy Framework states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'

7.5 Policy CP4 of the Core Strategy seeks high quality sustainable development which safeguards and enhances the historic environment including listed buildings and conservation areas.

7.6 Policy DM1 of the Development Management Document advocates the need for the Council to support proposals that respect and enhance the character of the site, have appropriate detailing, protect the amenity of the area. In relation to listed buildings and buildings in conservation areas.

7.7 Policy DM5 seeks to protect the character and significance of the Borough's heritage assets including listed buildings stating:

'2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.'

'5. Any alterations and additions to a heritage asset will need to be evidenced. They should be informed by a heritage statement explaining the significance of the building, including any contribution made by its setting, giving a justification for the works, and clearly identifying their impact on the building's fabric and character in a manner appropriate to the significance of the heritage asset. Where appropriate this may be incorporated in the Design and Access Statement.'

7.8 The Southend-on-Sea War Memorial is a grade II* listed structure, constructed in 1921 in the immediate aftermath of the First World War. The Portland Stone and painted flag composition, and its wider landscape, were designed by Sir Edwin Lutyens.

7.9 It is proposed to install a life-sized bronze figure of a First World War soldier as part of the commemoration of the centenary of the end of the war. The bronze figure will stand on axis with the obelisk, as part of the central composition of the memorial. In relation to the setting of the listed statue and character of the wider conservation area, the statue will be a prominent addition to the streetscene, however it has been designed to contrast with the use of material complementing the existing historic setting of the cenotaph. It is considered the impact on the listed structure of the cenotaph and that of the wider conservation area is acceptable and policy compliant in this regard.

7.10 Paragraphs 7 and 8 of the National Planning Policy Framework make the government's clear commitment to sustainable development. Paragraph 184 of the NPPF goes on to state:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

7.11 Paragraph 196 of the NPPF states *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".*

- 7.12 The statue is located within an area of protected green space within landscaped Cliff Gardens overlooking the estuary. It is not considered the siting of the statue would impact on the protected green space and that the openness of the surrounding area would be maintained.
- 7.13 The proposed statue will preserve the historic character and setting of the grade II* listed structure the cenotaph and preserve its contribution to the character and appearance of the Clifftown Conservation Area. It will have no impact on any other adjacent heritage assets. Historic England have raised no objections on heritage grounds and consider the proposal meets the requirements of the National Planning Policy Framework. The proposal is therefore acceptable and the proposal is policy compliant in these regards.

Impact on Residential Amenity

- 7.14 The application relates to a 1.8m bronze statue, some 41m away from the nearest residential property along Clifftown Parade to the north of the site. There are no residential properties to the east, south and west of the site which is landscaped garden area and protected green space. Given the nature of the proposal it is not considered to result in any harmful impact on residential amenity. The proposal is therefore acceptable and policy compliant in this respect.

Traffic and Transportation Issues

- 7.15 The site is located adjacent to a public footpath and road. It is not considered the proposal would result in any harm to highway safety nor obstruct access for pedestrians to the cenotaph. The proposal is therefore acceptable and policy compliant in this regard.

Community Infrastructure Levy

- 7.16 The proposed development does not result in the creation of any new floorspace and as such no charge is payable in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the character and setting of the grade II* listed Cenotaph War Memorial and the character and the appearance of the conservation area more widely. The development would have an acceptable impact on the protected green space. The impact on the amenities of neighbouring occupiers and the highways impacts of the proposal are also acceptable. These applications are therefore recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The works covered by this consent shall begin not later than three years from the date of this consent.**

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

- 02 The development hereby permitted shall be carried out in accordance with the approved plans CNTPH/PLNapp/DG/BLUE001; CNTPH/PLNapp/DG/RED001; CNTPH/PLNapp/DG/BLUE002; CNTPH/PLNapp/DG/RED002; CNTPH/PLNapp/DG/Vs+Elvns/001.**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

9.2 GRANT LISTED BUILDING CONSENT subject to the following conditions:

- 01 The works covered by this consent shall begin not later than three years from the date of this consent.**

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 02 The development hereby permitted shall be carried out in accordance with the approved plans CNTPH/PLNapp/DG/BLUE001; CNTPH/PLNapp/DG/RED001; CNTPH/PLNapp/DG/BLUE002; CNTPH/PLNapp/DG/RED002; CNTPH/PLNapp/DG/Vs+Elvns/001.**

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

Informatives:

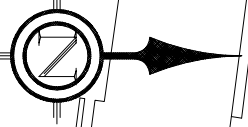
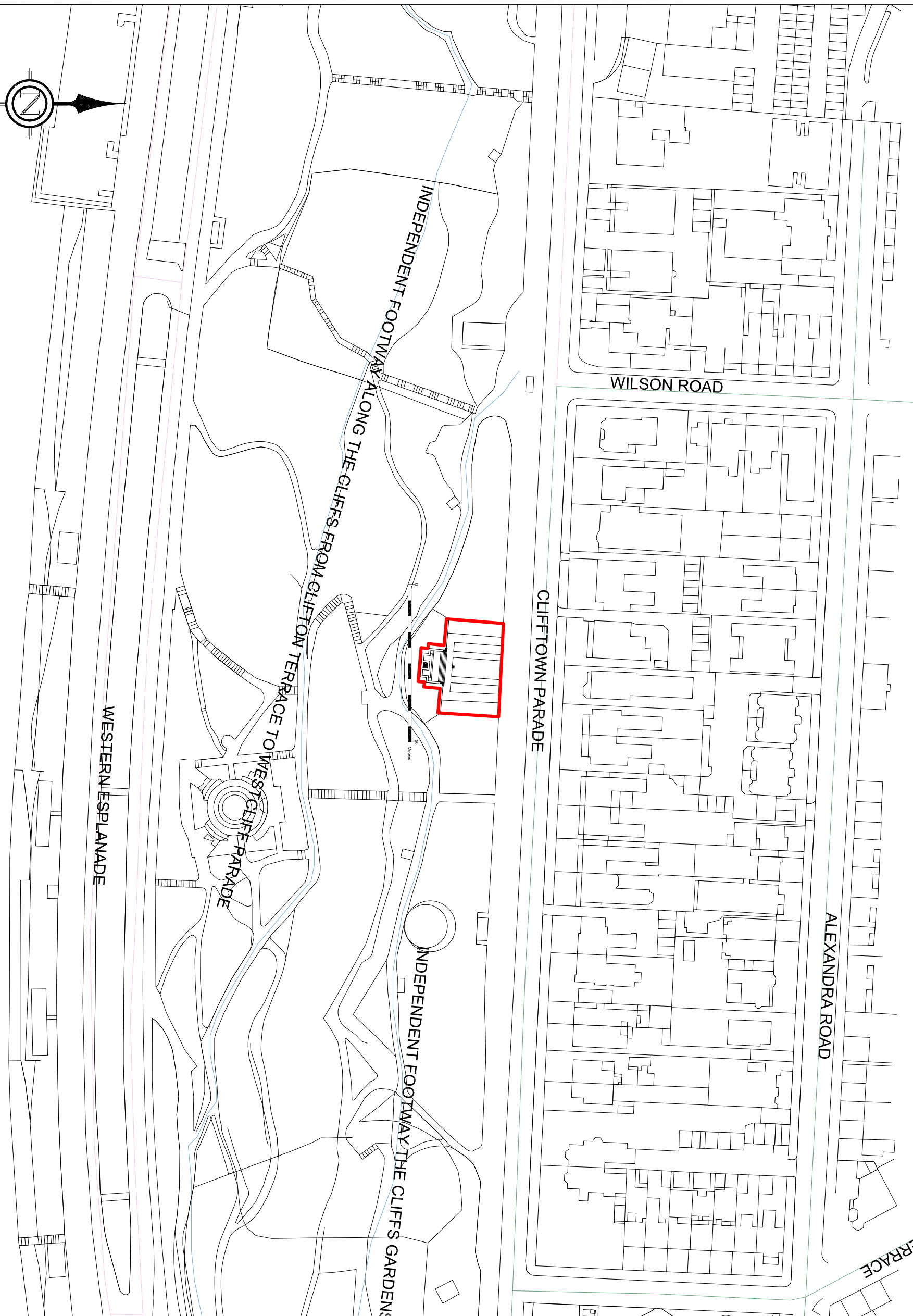
- 1 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing 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.**

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— Development Area



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**SOUTHEND-ON-SEA
BOROUGH COUNCIL**

HEAD OF CULTURE
SCOTT DOLLING

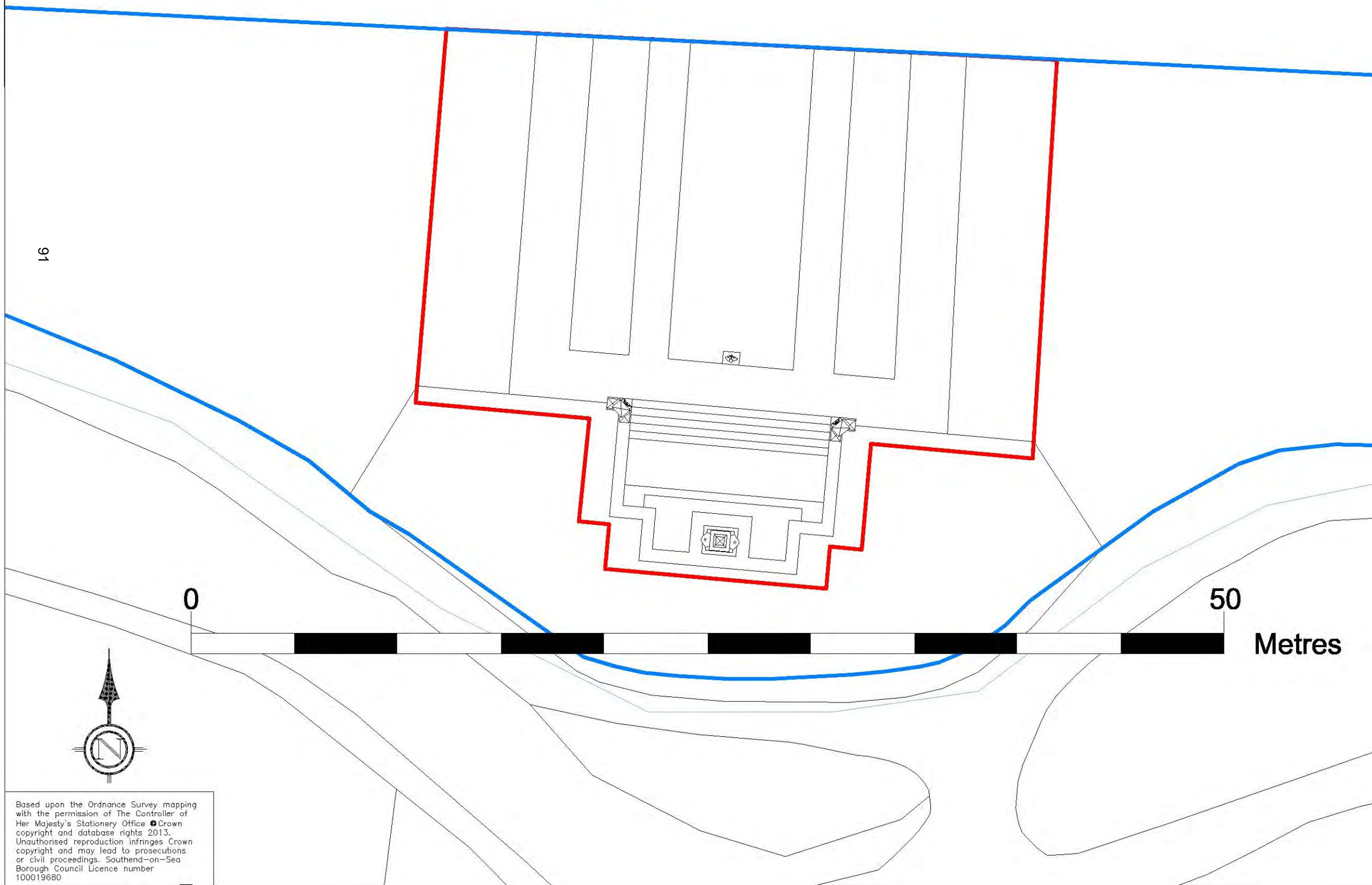
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Cenotaph Statue
Development Area**

Scale: 1:1250 @ A3
 Drawn by: David Giles
 Date: 11/07/2019
 Drawing No: CNT/PH/PLN/app/DG/RED002

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CLIFFTOWN PARADE

— Development Area



91

0

50

Metres

**SOUTHEND-ON-SEA
BOROUGH COUNCIL**

HEAD OF CULTURE
SCOTT DOLLING

**Southend Cliffs
Cenoptaph Statue
Development Area**

Scale: 1:200 @ A3

Drawn by: David Giles

Date: 22/05/2019

Drawing No: CNTPH/PLNapp/DG/RED001

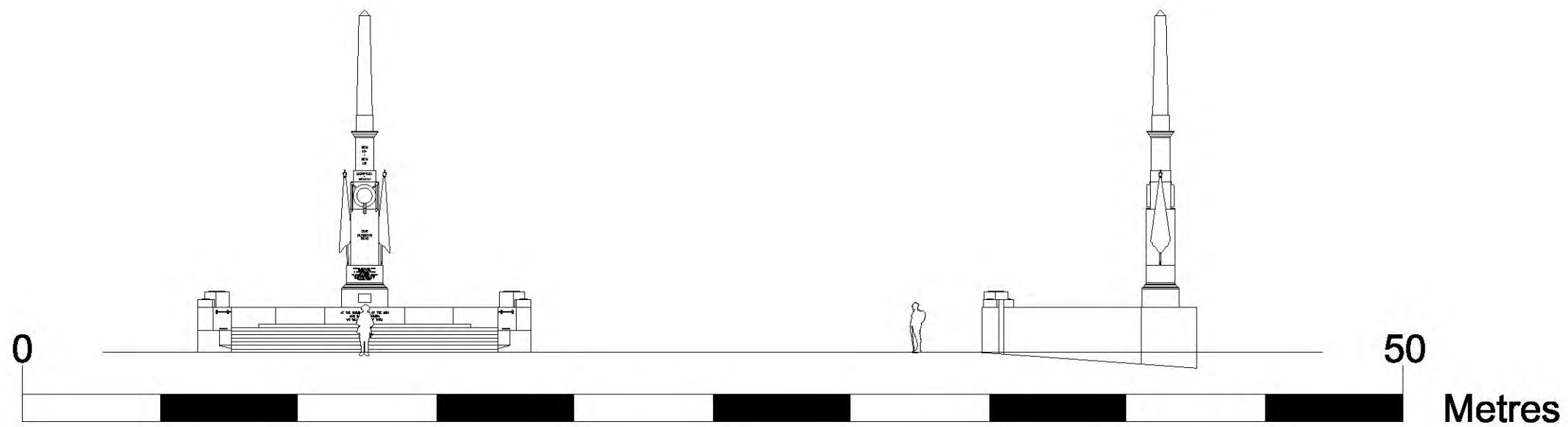
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North Elevation

West Elevation



**SOUTHEND-ON-SEA
BOROUGH COUNCIL**

HEAD OF CULTURE
SCOTT DOLLING

**Southend Cliffs
Cenotaph Statue
Visuals and Elevations**

Scale: 1:200 @ A3

Drawn by: David Giles

Date: 22/05/2019

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Reference:	1. 19/00996/FULH 2. 19/00997/LBC	<h1>7</h1>
Ward:	St Laurence	
Proposal:	1. Erect garage to side and install hardstanding and timber gates. 2. Erect garage to side and install hardstanding and timber gates (Listed Building Consent).	
Address:	Cockethurst, Eastwoodbury Lane, Southend-on-Sea, Essex	
Applicant:	Mr Dedman	
Agent:	SKArchitects	
Consultation Expiry:	1. 29.08.2019 2. 29.08.2019	
Expiry Date:	1. 26.09.2019 2. 26.09.2019	
Case Officer:	Charlotte White	
Plan Nos:	504_P202 Rev. C, 504_P201 Rev. C	
Recommendation:	1. GRANT PLANNING PERMISSION 2. GRANT LISTED BUILDING CONSENT	



1 Site and Surroundings

- 1.1 Cockethurst Farm is a grade II listed building situated at the junction of Snakes Lane and Whitehouse Road. It is a substantial and handsome farm house of red brick with old clay plain tile roofs. The timber framed core dates to the sixteenth century and the prominent Flemish gables and brick elevations are of the seventeenth century. The property no longer operates as a farm but the outbuildings to the north west of the house, which include the former stables, cart shelter, cattle shed/dairy/poultry house, tack room and coach house serve as a reminder of its farming origins. The farmhouse is set in large grounds surrounded by mature trees and this has maintained a rural like setting for the buildings. Some of the mature trees on the southern boundary are covered by a tree preservation order (TPO 5/87). There is an existing vehicular crossover to the south-western of the site, from Snakes Lane.
- 1.2 The wider area around the listed buildings is now substantially built up and is predominantly medium density residential development.
- 1.3 The application site has no specific allocation on the Development Management Documents Proposal's Map. The Environment Agency Flood Maps show the site to be located within flood zone 2.

2 The Proposal

- 2.1 Planning permission and Listed Building Consent is sought to erect a garage, install hardstandings and timber gates. The proposed garage would be located to the south-western corner of the site and would utilise an existing vehicular crossover.
- 2.2 The proposed garage would measure some 6.6m in width, some 8.6m in depth and has a maximum height of some 4.7m. The garage would have a dual-pitched roof and would be timber framed finished in black timber weatherboarding, red clay roof tiles, timber panel doors and black cast iron guttering. A side window is proposed to each flank elevation.
- 2.3 A hardsurfaced area between the proposed garage and the access from Snakes Lane would constitute permeable resin bound gravel finished in a colour to match the surface to the front of the house. A footpath is proposed from the proposed garage to the house which will be finished in matching resin bound gravel with a light grey granite sett border.
- 2.4 It is proposed to install white painted timber gates set back some 6m from the highway to allow a safe space for vehicles to pull in from the highway which would match the gates to the front of the house with fencing of a similar design to the sides. The proposed fencing and gates have a maximum height of some 1.1m. 1.5m x 1.5m visibility splays have been provided.

- 2.5 The information submitted with the application indicates that the proposed garage is for vehicle parking and to provide space for a lawnmower and garden paraphernalia. It would be accessed via an existing vehicular crossover and access from Snakes Lane.
- 2.6 The development would result in the loss of some trees and vegetation at the site. In this respect, the Arboricultural Impact Assessment submitted states *'several smaller ornamental trees and groups of vegetation are required to be removed to facilitate the garage. No significant trees are required to be removed to achieve the proposal.'* Two trees will be removed; a dead Lawson Cypress and a Lombardy Poplar which has a significant sized internal cavity.
- 2.7 The application has been submitted with a Design and Access Statement, a Heritage Statement and an Arboricultural Impact Assessment and Method Statement.

3 Relevant Planning History

- 3.1 18/02008/LBC – Convert existing farm buildings into 6 dwellinghouses and layout associated amenity space (Listed Building Consent) – Listed Building Consent refused.
- 3.2 18/02007/FUL - Convert existing farm buildings into 6 dwellinghouses and layout associated amenity space – Planning permission refused.

4 Representation summary

- 4.1 Cllr Flewitt has called the application in for consideration by the Development Control Committee.

- 4.2 **Highways**
No objection.

- 4.3 **Historic England**
Do not wish to offer any comments and suggest seek views of specialist conservation adviser.

- 4.4 **Design and Conservation**
The open rural setting of the grounds, including the trees around the edge of the site, are very important to the setting of the listed building and its origins as a farm and help maintain a tranquil landscaped and rural setting for the listed building. The impact on the trees therefore needs to be carefully assessed with a view to ensuring a substantial tree buffer is maintained on the site.

No justification for the need for an additional outbuilding has been provided. There is ample space for car parking under cover within the existing historic outbuildings adjacent to the listed building. The proposal would add clutter to the setting of the Listed Building.

Whilst the design detail proposed garage is reasonable, the proposal is not a substitute for the existing historic outbuildings.

5 Public Consultation

- 5.1 19 neighbour letters were sent out, a site notice displayed and the application advertised in the press. No letters of representation have been received.

6 Planning Policy Summary.

- 6.1 National Planning Policy Framework (NPPF) (2019)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment) and DM15 (Sustainable Transport Management).
- 6.4 Design & Townscape Guide (2009)
- 6.5 Community Infrastructure Levy Charging Schedule (2015)
- 6.6 Vehicle Crossing Policy and Application Guidance (2014)

7 Planning Considerations

- 7.1 The main considerations in the determination of these applications for planning permission and Listed Building Consent are the principle of the development, flood risk, potential impact of the proposed development on the character and significance of the listed building and the wider surrounding area, the impact on residential amenity, highway, transport and parking implications and CIL (Community Infrastructure Levy).

8 Appraisal

Principle of Development

- 8.1 The above policies support alterations, extensions and additions to listed buildings where they respect the character, significance and setting of the listed building. There is therefore no objection to the principle of the proposed development, subject to the detailed considerations below.
- 8.2 Part of the application site is located within flood zone 2. However, the proposed garage would largely be located outside the flood zone. Given this and given the nature of the proposed development, which would not provide habitable accommodation, it is considered that the development would not result in any material flood risk issues.

Impact on the character and significance of the Listed Building and the wider surrounding area

- 8.3 Section 66(1) of the Planning and Listed Building and Conservation Areas Act 1990 states for development which affects a Listed Building or its setting special regard shall be had to the desirability of preserving the building or its setting or any feature of special architectural interest that it possesses.
- 8.4 The preservation and enhancement of listed buildings and the requirement for good design generally is fundamental to achieving high quality new development and its importance is reflected in the NPPF as well as Policies DM1 and DM5 of the Development Management Document and Policies KP2 and CP4 of the Core Strategy. The Southend Design and Townscape Guide (2009) also states that the Council is committed to good design and the protection of heritage assets.
- 8.5 Policy DM5 of the Development Management Document where it states that *“Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted.”* The NPPF states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”* (paragraph 193).
- 8.6 The proposed garage has been designed in a traditional form and constructed and finished in traditional materials that would be appropriate within and complementary to the setting of the listed building. The gates and fences proposed given their design and scale and the hardsurfacing proposed, given the high quality materials proposed are also considered to be of an acceptable appearance. The garage would be located in the south-western corner of the site, significantly removed from the main listed building and would be partially screened from the listed building by existing trees and vegetation. As such, it is considered that the proposed development would not result in any material harm to the character, appearance or setting of the listed building.
- 8.7 The existing crossover from Snakes Lane would be used for access and there is already a clearing in the vegetation in this location. The application has been submitted with arboricultural reports and it is apparent that there would be some loss of vegetation as a result of this development. The submitted document states *‘Several smaller ornamental trees and groups of vegetation are required to be removed to facilitate the garage. No significant trees are required to be removed to achieve the proposal. A dead Lawson cypress is recommended to be removed based on its condition and a second tree, T2 a Lombardy poplar, located close to the front boundary with Snakes Lane was noted to possess a significantly sized internal cavity. This tree is recommended to be removed based on its condition and its loss is not as an impact of development...crown lifting to T4 and T14 is likely to be required.’*

- 8.8 Given the findings and recommendations of the submitted report and the fact that this proposal would not impact the trees protected by the Tree Preservation Order, which are located further east, no objection is raised on this basis. It is noted, as outlined by the Council's Design and Conservation Officer that the open rural setting of the grounds and the trees around the edge of the site are very important to the setting of the listed building. It is noted that T2 and G1 are to be removed from site due to ill-health and to facilitate the development. As such, it is considered necessary to impose a condition on any grant of consent, requiring further planting in this location in the interests of the setting of the listed building. Subject to a condition in this respect, it is considered that the development would not result in material harm to the character, appearance or setting of the listed building.
- 8.9 The Council's Design and Conservation Officer has raised potential concerns that any grant of consent for garaging and storage outbuildings could impact upon the existing, historic outbuildings to the north of the site. In this respect, it is noted that recently planning permission and listed building consent was sought to convert the existing historic outbuildings into 6 dwellinghouses under application references 18/02007/FUL and 18/02008/LBC. These applications were refused. In this instance there is no evidence that this proposal would directly impact upon the use of the existing historic outbuildings to the north of the site. It is not considered that the scheme would cause a degree of "less than substantial harm" that would reasonably justify a refusal of planning and listed building consent in the circumstances. It is stressed that no public benefits to outweigh any "less than substantial harm" have been identified but exercising careful balance on this issue it is not considered that a convincing case against the proposal would carry sound prospects of succeeding at appeal.
- 8.10 As such and subject to conditions requiring the development to be completed in accordance with the materials shown in the submitted plans and requiring a soft landscaping scheme, it is considered that the development would not materially harm the character, appearance or setting of the listed building. It is considered that the development is of an acceptable design and appearance that would not harm the character and appearance of the wider surrounding area.
- 8.11 Subject to conditions, the development is acceptable and policy compliant in the above regards.

Highways Implications

- 8.12 The adopted parking standards require the provision of a minimum of 2 parking spaces for dwellings with 2+ bedrooms. The existing dwelling benefits from off-street parking accessed from White House Road. The pre-amble to Policy DM15 states *'Garages are often an important feature of a residential development and are multi-functional in that they are used for both car parking and general storage...Garages therefore need to be large enough to accommodate a modern, family sized car and some storage. Garages that have an internal dimension below 7.0m x 3.0m.'*

- 8.13 The proposed garage has internal dimensions of 6m x 8m which is considered to be of a sufficient size to accommodate a modern family sized car and some storage in accordance with the above requirement.
- 8.14 The development seeks to utilise an existing crossover which could be reused without any further permissions. 1.5m x 1.5m visibility splays have been provided to each side of the crossover, in accordance with the vehicle crossing policy. An appropriate area has been provided before the proposed gate to allow vehicles to access the garage and hardsurfaced area without overhanging the highway, when the gates are closed. Snakes Lane is not a classified road. It is therefore considered that the development would retain adequate parking for the dwelling and would not result in any material harm to highway safety. The Highways team have raised no objection to the proposal.
- 8.15 The proposal therefore has no adverse highway implications and is acceptable and policy compliant in this respect.

Impact on Residential Amenity

- 8.16 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 8.17 The proposed development is significantly removed from the nearest adjoining dwellings, with the nearest dwellings located opposite the site, on the southern side of Snakes Lane some 23m from the site. Given this degree of separation and limited size and scale and the domestic nature of the proposed development, it is considered that the proposal would not result in any material harm to the nearby occupiers in terms of dominance, an overbearing impact, overshadowing, loss of light and outlook, a material sense of enclosure or overlooking and loss of privacy.

Community Infrastructure Levy (CIL)

- 8.18 As the proposed development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Conclusion

- 8.19 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance.

The development would not result in any flooding issues, would not harm the residential amenity of nearby residents and would not result in any material harm to highway safety. Subject to conditions, the development would not result in any material harm to the character, appearance or setting of the listed building and is of an acceptable overall design that would not harm the character and appearance of the surrounding area. The applications are therefore recommended for approval, subject to conditions.

9 RECOMMENDATION

Members are recommended to: GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin not 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 permitted shall be carried out in accordance with the following approved plans 504_P202 Rev. C, 504_P201 Rev. C.**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

- 03 The garage, gates, fencing and hardstandings hereby approved shall be undertaken and completed in accordance with the materials and details as shown on drawing number 504_P202 Rev. C or any other details that have been previously submitted to and approved in writing by the Local Planning Authority, prior to the first use of the development hereby approved.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building and wider surrounding area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be first occupied unless and until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping for the site in the environs of the approved building. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification. All planting in the approved landscaping scheme shall be carried out within the first planting season following first use of the development hereby approved.**

Any shrubs or trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species.

Reason: In the interests of visual amenity and the character, appearance and setting of the listed building and to ensure a satisfactory standard of landscaping, pursuant to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 05 The detached garage hereby permitted shall only be used for parking and/or storage purposes incidental to the domestic occupation of the existing dwelling on the site known as Cockethurst, Eastwoodbury Lane. It shall not be used for any other purposes.**

Reason: To protect the amenities of existing occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand, in accordance with the Core Strategy (2007) Policies KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15 and advice contained within the Southend Design and Townscape Guide (2009)

- 06 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations, methods and tree protection measures agreed within the approved Arboricultural Impact Assessment and Method Statement dated 24 May 2019 by Owen Allpress.**

Reason: In the interests of visual amenity and the character, appearance and setting of the listed building, pursuant to National Planning Policy Framework (2019), Policy CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015).

- 07 The 1.5m x 1.5m visibility splays as approved and as shown on drawing number 504_P202 Rev C. shall be provided prior to the use of the garage and be retained in perpetuity.**

Reason: In the interests of highway safety in accordance with National Planning Policy Framework (2019), Policy DM15 of the Development Management Document and the Vehicle Crossing Policy and Application Guidance (2014).

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.

Members are recommended to: **GRANT LISTED BUILDING CONSENT** subject to the following conditions:

- 01** The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 02** The development hereby permitted shall be carried out in accordance with the following approved plans 504_P202 Rev. C, 504_P201 Rev. C.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

- 03** The garage, gates, fencing and hardstandings hereby approved shall be undertaken and completed in accordance with the materials and details as shown on drawing number 504_P202 Rev. C or any other details that have been previously submitted to and approved in writing by the Local Planning Authority, prior to the first use of the development hereby approved.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building and wider surrounding area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 04** Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be first occupied unless and until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping for the site in the environs of the approved building. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification. All planting in the approved landscaping scheme shall be carried out within the first planting season following first use of the development hereby approved. Any shrubs or trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species.

Reason: In the interests of visual amenity and the character, appearance and setting of the listed building and to ensure a satisfactory standard of landscaping, pursuant to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the 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 are advised that as the proposed extension(s) to your property equates to less than 100sqm of 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. See www.southend.gov.uk/cil for further details about CIL.**
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**

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Existing Site Plan - 1:1250

North



Proposed Site Plan - 1:1250

North



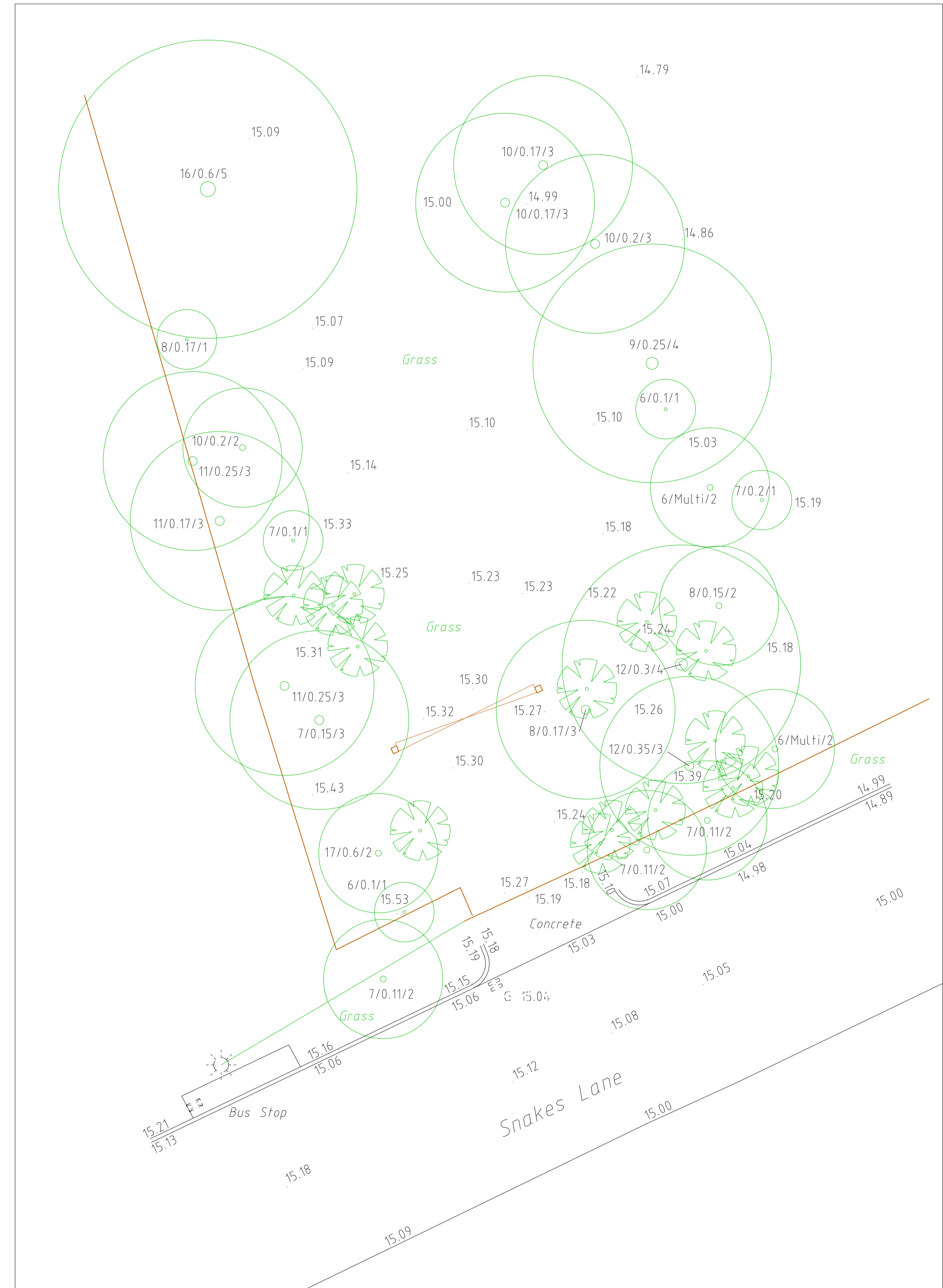
Existing Block Plan - 1:500

North



Proposed Block Plan - 1:500

North



Topography Survey (as existing) - 1:100

North

Notes:			
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Rev	Comment	By	Date
C	GATE AND PLAY	DS	19/08/2019
B	FOOTPATH	DS	10/02/2019
A	PLANNING	DS	16/05/2019
-		DS	13/05/2019

Stage:	3 - Planning
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Client:	DAVID DEDMAN
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Project:	COCKTHORPE EASTWOODBURY LANE SOUTHEND ON SEA SS2 6UE ESSEX
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Drawing Title:	SITE AND BLOCK PLANS
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Drawing no:	S04_P201	Revision:	C
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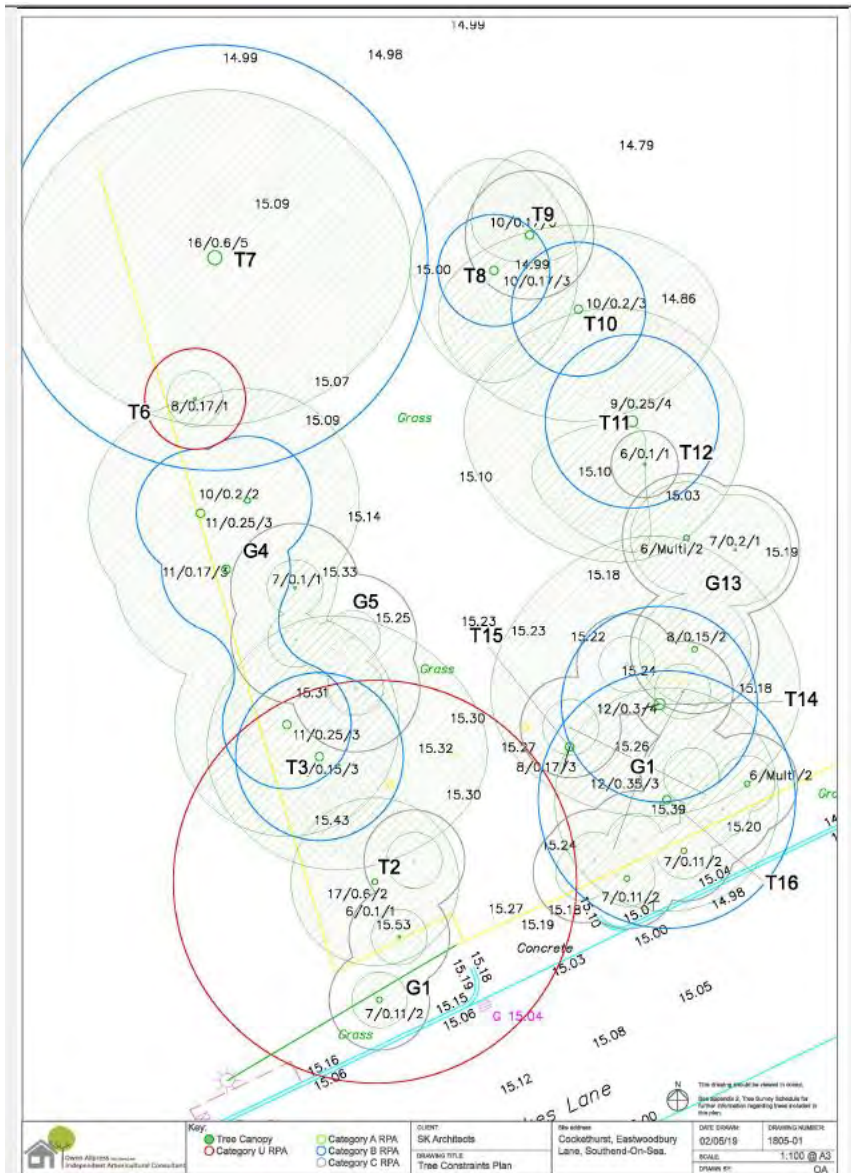
Project no:	S04-05-18	Drawn by:	DS
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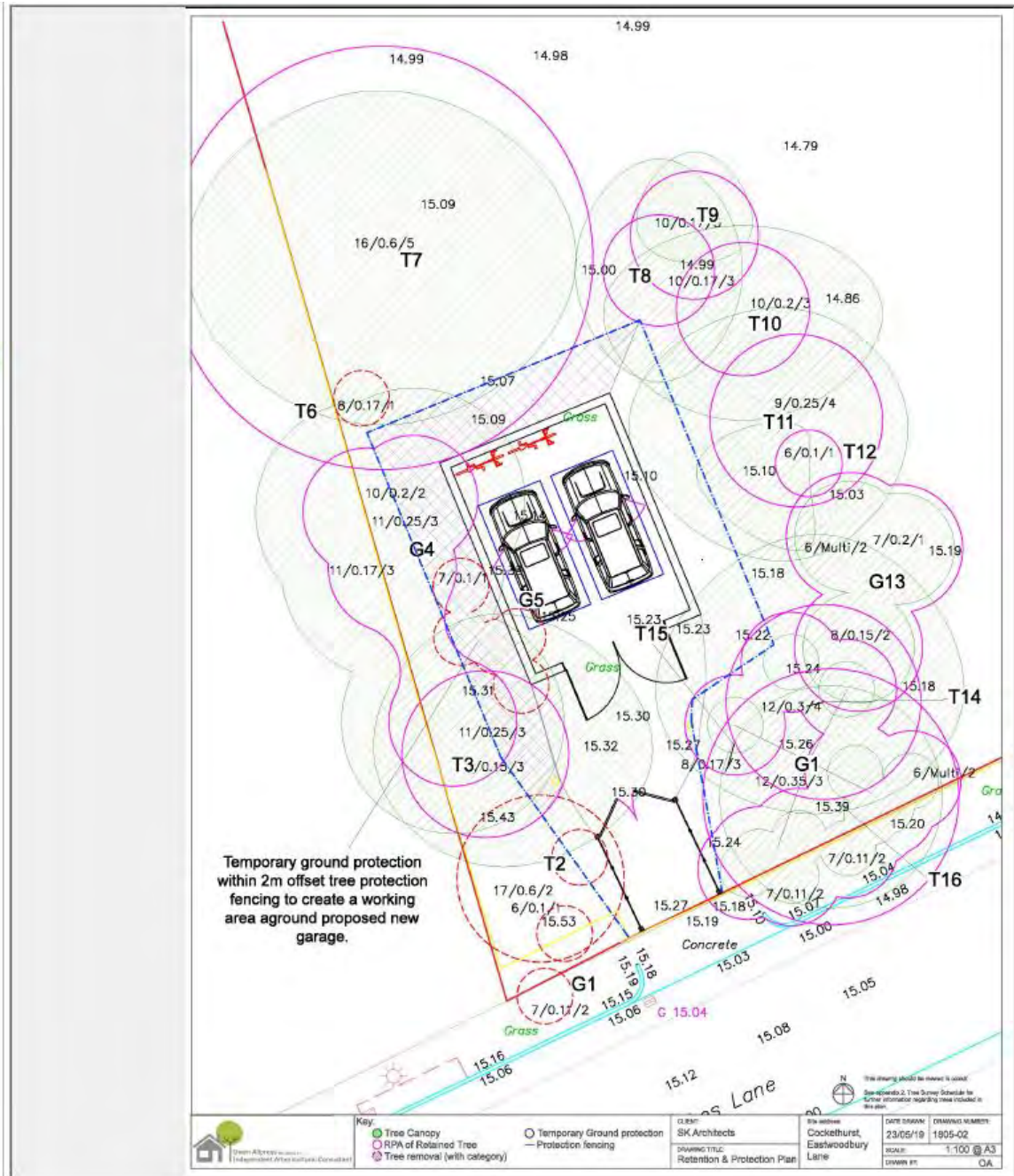
SKARCHITECTS
853 SS5 London Road
WardOff on Sea
SS0 9SZ
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked on site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers.
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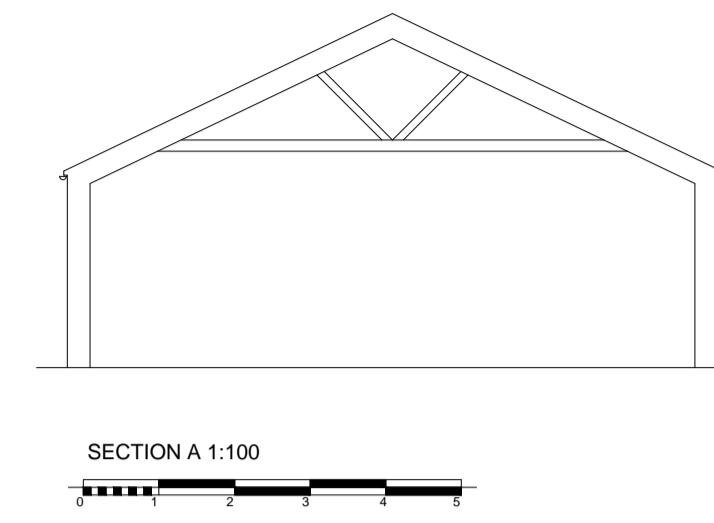
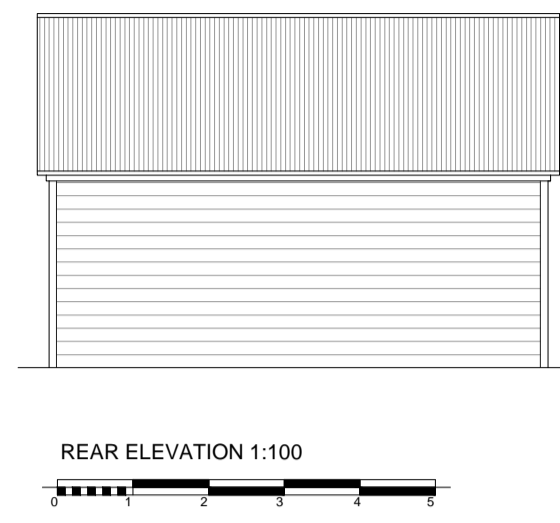
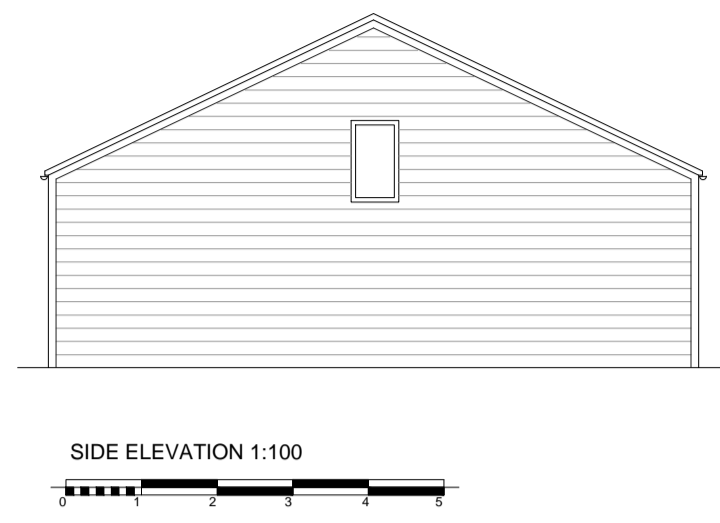
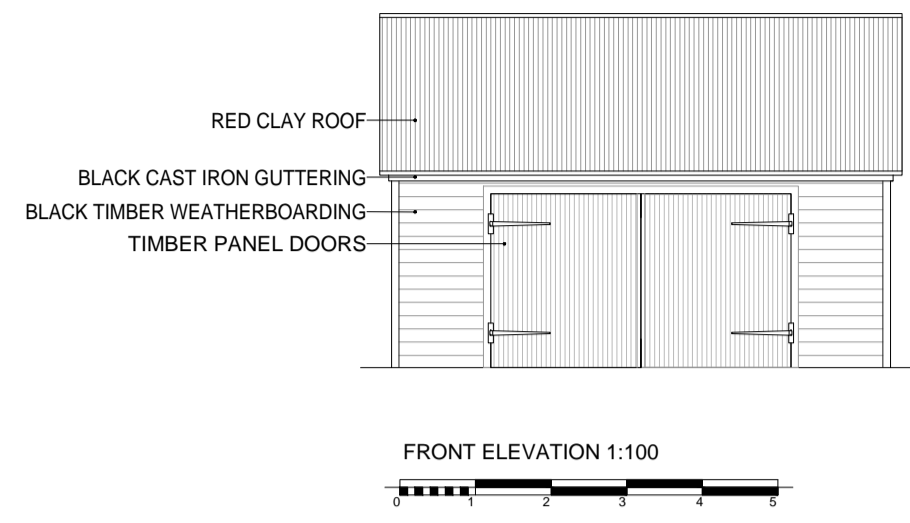
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Existing tree plan



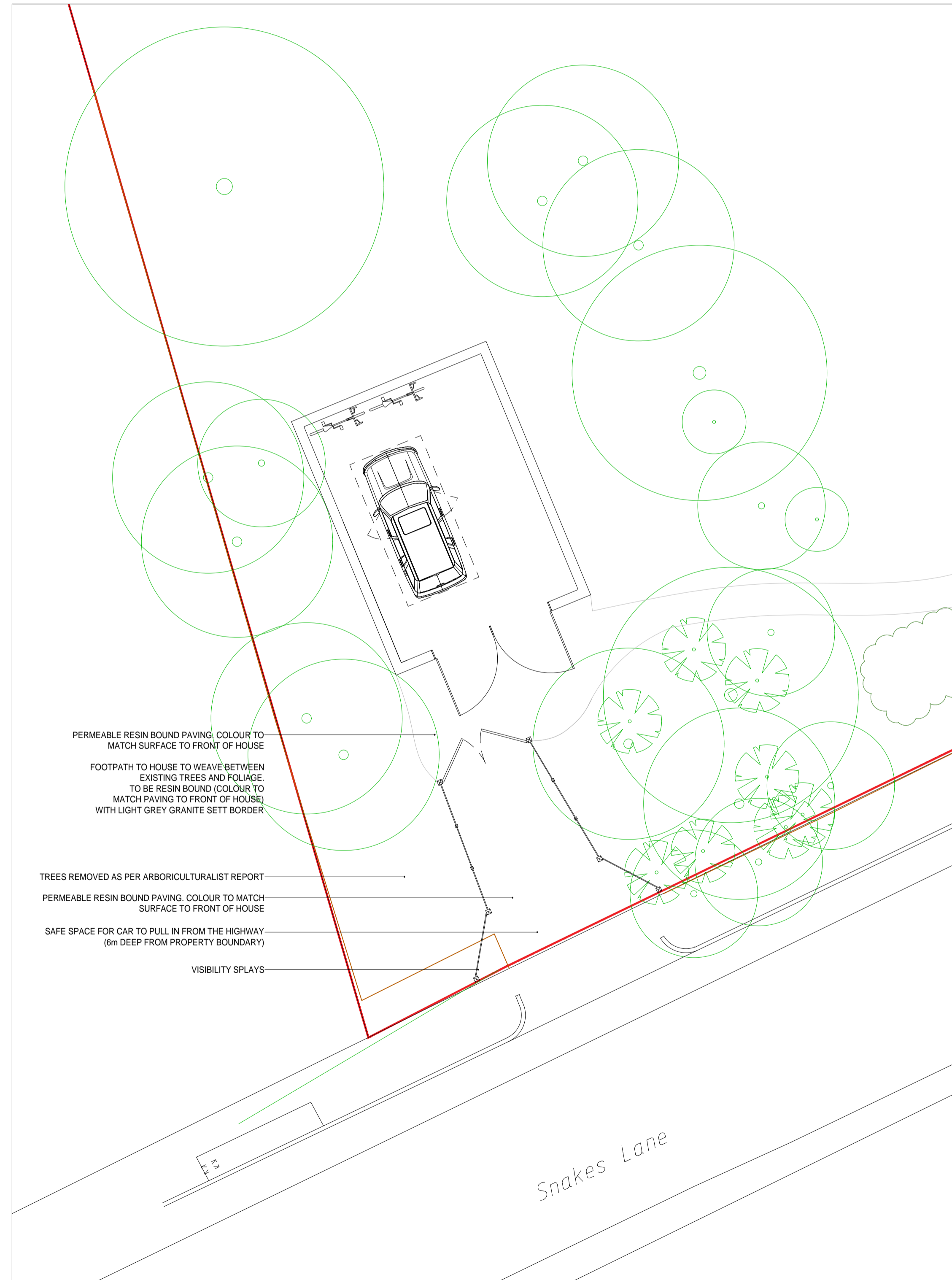
Tree retention and protection plan



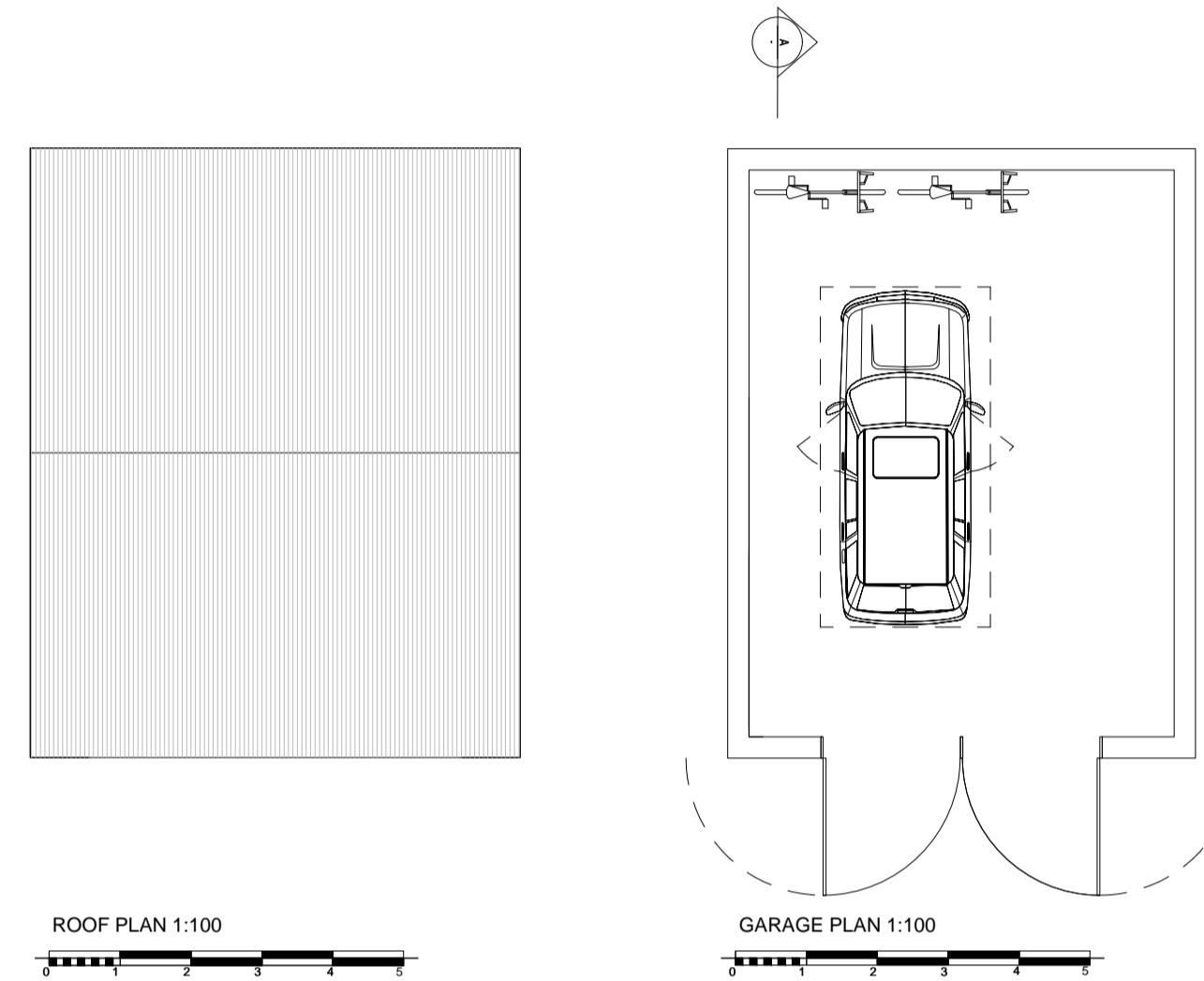
PERMEABLE RESIN BOUND PAVING
COLOUR TO MATCH EXISTING DRIVEWAY TO FRONT OF HOUSE



LIGHT GREY GRANITE SETT
BORDER TO RESIN BOUND PAVING

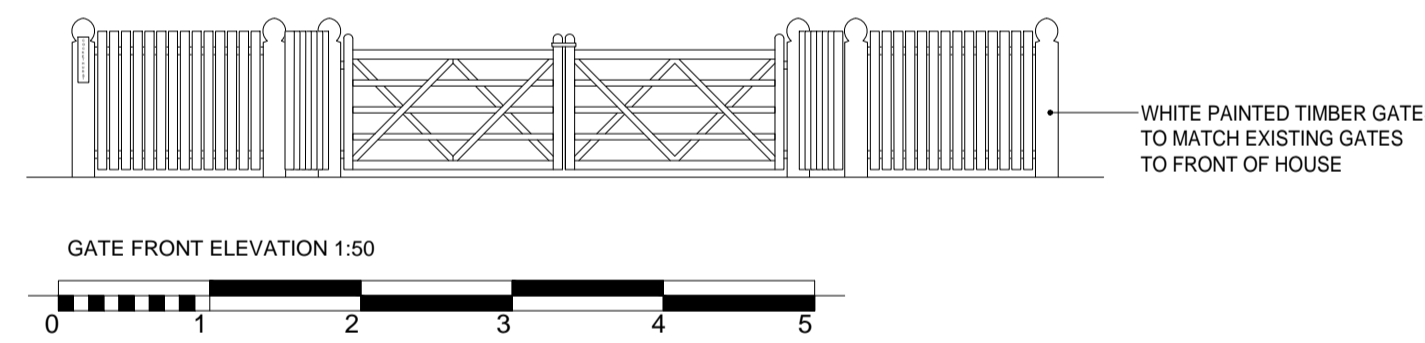


PROPOSED SITE PLAN 1:100

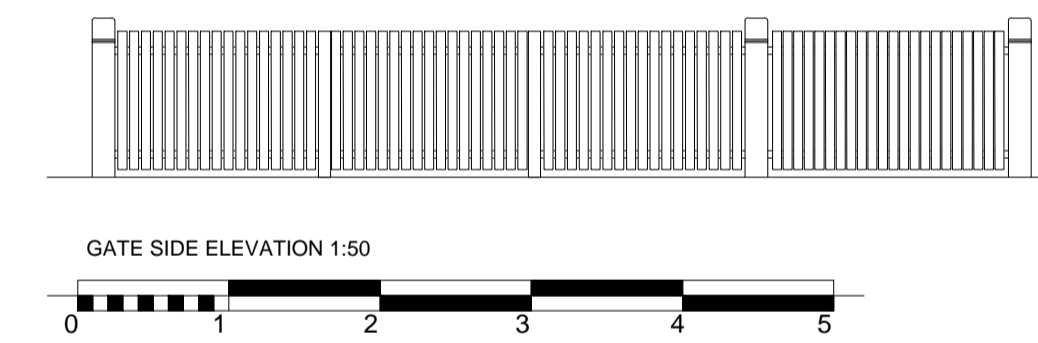


ROOF PLAN 1:100

GARAGE PLAN 1:100



GATE FRONT ELEVATION 1:50



GATE SIDE ELEVATION 1:50



CONTINUED SCREENING FROM THE ROAD
WHITE GATES TO MATCH THE FRONT OF THE PROPERTY WITH SAFE SPACE FOR VEHICLES TO PULL IN OFF THE HIGHWAY AND VISIBILITY SPLAYS

Notes:			
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Rev	Comment	By	Date
C	GATE AND SPLAYS	DS	18/08/2019
B	FOOTPATH	DS	10/06/2019
A	PLANNING	DS	16/05/2019
-	-	DS	13/05/2019

Stage:	3 - Planning
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Client:	DAVID DEDMAN
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Project:	COCKETHURST EASTWOODBURY LANE SOUTHEND ON SEA SS2 6UE ESSEX
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Drawing Title:	PROPOSED - GARAGE AND GATE
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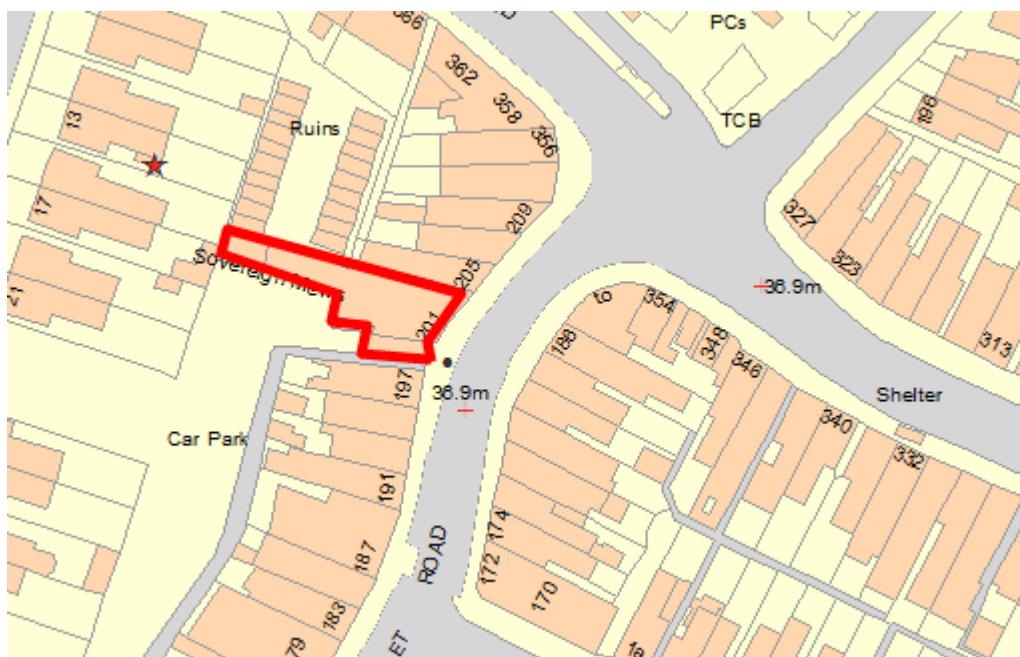
Drawing no:	504_P202	Revision:	C
Project no:	504-05-18	Drawn by:	DS
Scale:	1:50, 1:100 @ A1	Chkd by:	SK

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Reference:	19/00033/UNAU_B	<h1>8</h1>
Ward:	Milton	
Breach of Control	Without planning permission the formation of 2 self-contained flats on the ground floor, construction of a garage/workshop to rear, installation of an external door and formation of balcony to serve rear first floor flat and breach of planning condition 7 of planning permission SOS/98/0509 requiring 7 on-site parking spaces to be permanently reserved for residential occupiers of mixed retail and residential development	
Address:	Sovereign Mews, 201-203 Hamlet Court Road, Westcliff on Sea, Essex. SS0 7FZ	
Case Opened:	15 th February 2019	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site Location and description

- 1.1 The site contains a 4 storey building containing 12 authorised flats plus two retail units on its ground floor, the latter towards the building's Hamlet Court Rd frontage. A pedestrian undercroft to the side of the ground floor leads from Hamlet Court Rd through to a private and then public car parking area at the rear, Vehicular access to these areas is gained from Ceylon Rd and also from Anerley Rd towards the south. Originally a mixed use development of offices and warehouse, planning permission was granted in 1999 to convert the building into 12 flats on the 1st, 2nd and 3rd floors, to sub divide the ground floor into 2 retail shops with ancillary stores and offices and to lay out 7 parking spaces to the rear 4 in a new undercroft beneath the first floor, two in an open area behind the rear western elevation of the main building and one to the south side of the building 6m in front of the undercroft parking area..
- 1.2 The surrounding area of Hamlet Court Road is mainly commercial at ground floor with flats over 3 floors above. Pedestrian access to these flats is generally gained from a mix of external and internal staircases to the rear of these buildings.
- 1.3 The site is not subject of any site specific policy designations and is not within a Conservation Area.

2 Lawful Planning Use

- 2.1 The authorised use of the development is residential (Class C3) on floors 1, 2 & 3 and retail (Class A1) on the ground floor within the Town and Country Planning (Use Classes Order) 1987 (as amended).

3 Relevant Planning History

- 3.1 SOS/98/0509 – Remove staircase and dormer window, install new windows to front and side elevations, install new roof lights at third floor level and install new shopfront to front and side; sub divide part of ground floor into two retail shops with ancillary stores and offices, convert first, second and third floors into 12 self-contained flats and lay out 7 parking spaces at rear. - Approved

4 The alleged planning breaches and the harm caused

4.1 The unauthorised formation of 2 self-contained flats on the ground floor.

- 4.2 Two self-contained flats, numbered 203A & 203B Hamlet Court Road, have been formed without planning permission within the ground floor undercroft which was designed to accommodate 4 of the 7 on-site parking spaces for the residential flats on the upper floors created as part of 1999 approval for a mixed use development. Condition 6 of that 1999 planning permission required the 7 parking spaces to be provided before use of the approved flats and condition 7 requires those approved spaces to be permanently reserved for residential occupiers. Both unauthorised flats contain a residential style door and a single modest window in their south elevation, facing into the car park area. It is known that flat 203A is currently occupied but no response has been received at 203B so occupancy and internal layout and use have not been fully established at this time.

- 4.3 Although it has not been possible to carry out a detailed measurement of the two unauthorised flats, reference to the 1999 approval suggests that they each measure in the region of 5.8m x 5.25m (Some 32m²). Even if designed for single person occupancy, this would be undersized. External views of the building and its relationship to neighbouring buildings suggest that, on the balance of probability, the south facing window in each unit is likely to be the only source of light and outlook for the internal habitable accommodation. This suggests that the internal environment and quality of living conditions would not meet policy requirements. This solitary source of outlook for each unit is directly onto a third party parking and vehicle manoeuvring area again fundamentally lacking the required quality of residential environment for new flatted development. Furthermore neither unit has any external amenity provision. Refuse recycling and cycle storage arrangements for the two unauthorised flats is also unknown and may be non-existent.
- 4.4 Based on the available evidence it is found that the unauthorised flats provide an environment which is harmful to the living conditions of any current and future occupiers. This is unacceptable and contrary to policy requirements.
- 4.5 As a consequence of the unauthorised flats, 4 of the 7 required parking spaces have been removed from provision and availability for use by occupiers of the authorised flats on the upper floors of the development in breach of condition 7 of the 1999 planning permission. This creates additional demand for on street parking both due to the lost spaces and from additional parking demand associated with use of the two unauthorised flats.
- 4.6 Some allowance was made in the 1999 approval for the fact that the development neighbours a public parking area. The loss of parking caused by the current breach will have a negative impact on local parking and highway safety conditions. The parking situation on site is now also harmful to the amenity of occupiers of the authorised flats. These concerns represent conflicts with development plan policies.
- 4.7 No planning application seeking to regularise these breaches of planning control has been submitted although given the interdependency and nature of the areas of harm caused by the breaches it is difficult to see how the identified harm could be reasonably overcome.
- 4.8 ***The unauthorised installation of an external door and formation of a balcony to serve existing first floor flat***
- 4.9 The development does not benefit from any householder permitted development rights and the installation of a door in the west elevation on the first floor of an existing authorised flat constitutes operational development requiring planning permission. This door leads onto a flat roof element to form a balcony on top of an otherwise pitched roofed ground floor extension (see separate section below) forming, what is believed to be a garage/workshop. These elements do not have planning permission so are unauthorised.
- 4.10 In design and amenity terms the installation of the door of itself could be acceptable for example if it were enclosed by a Juliet balcony across the rear elevation. However use of the flat roof as a balcony creates overlooking into neighbouring properties particularly to the west. The design of the balustrades is utilitarian and appears out of character with the host building both in terms of design and the materials used. This is

in conflict with planning policies on design. The balcony could potentially be screened to address overlooking to an acceptable degree but in the absence of any planning application there is no mechanism for this to be secured and acceptability or otherwise of screens would depend on consideration of related impacts such as the sense of enclosure created for neighbouring properties.

- 4.11 The unauthorised garage / workshop is in the form of a single storey extension some 7.4m in length constructed to the west elevation. Satellite imagery shows that this was an open space in 2010 and should have been permanently retained for use as 2 of the 7 car parking spaces required under the 1999 planning approval. Subsequent imagery shows the formation of a shorter rear extension before the current version which in itself has undergone a conversion from a flat roof to a pitched roof in the last 12 months. Neither the initial construction nor subsequent alterations have been subject of any planning applications.
- 4.12 In built form terms this structure in itself may possibly be acceptable subject to clarification of its exact purpose and imposition of appropriate planning conditions. Notwithstanding this however, it removes the 2 of the total 7 parking spaces required under condition 7. So for the same reasons as explained previous sections of this report, this is materially harmful to parking conditions, highway safety and the amenity of residents of the flats. This is unacceptable and contrary to policy as further explained in subsequent sections of this report.

5 Background and efforts to resolve breach to date

- 5.1 In February 2019 an investigation began following complaints about the installation of the 1st floor external door to access the newly constructed balcony.
- 5.2 In March 2019 staff visited the site and then wrote to the freeholder about the installation of the external door and the formation of the balcony over the outbuilding roof. The owner was invited to return the building to its former state or to submit a retrospective planning application within a month of the letter. A copy of the letter was also sent to the freeholders managing agent.
- 5.3 The freeholder did not respond to the initial letter so in May 2019 a further letter was sent to the freeholder and his agent concerning the same issues identified previously but with the additional identified planning breaches relating to the unauthorised formation of 2 additional flats to the ground floor, the unauthorised construction of a garage extension to the west side and for a breach of condition relating to the 7 parking spaces.
- 5.4 The freeholder was advised to submit an application for a Certificate of Lawful development (Existing) if they believed any aspect of the allegedly unauthorised development or use benefited from a time exemption. (4 years in respect of development and 10 years in respect of 'use' unrelated to use as a dwelling which is 4 years)
- 5.5 A further 28 days was given to respond but no response has since been received nor any application submitted.
- 5.6 On 28th June 2019 a formal 'Notice of Intended Entry' was sent to both the freeholder and their agent. This is a formal notice under powers conferred by Section 196A (1) of

the Town and Country Planning Act 1990 (as amended) and is used when entry to a dwelling is required. The date and time for the intended entry was 10:00am on 3rd July 2019

5.7 At 09:50am on 3rd July 2019 Enforcement staff attended the area of 203A and 203B Hamlet Court Road and waited in that area until 10:20am. Neither the freeholder nor their agent appeared or contacted staff to explain why they had not attended.

5.8 As of 24th July 2019 neither the freeholder nor his agent have made contact with enforcement staff, submitted any planning applications or made any other apparent efforts to regularise the identified breaches.

6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action

6.1 The unauthorised developments and significance of the issues arising have been assessed against the following policy background :

6.2 The National Planning Policy Framework (NPPF) (2019)

6.3 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision)

6.4 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land) DM8 (Residential Standards) and DM15 (Sustainable Transport Management)

6.5 Design & Townscape Guide (2009)

6.6 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

6.7 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.

6.8 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that “protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.

6.9 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”.

6.10 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. Further to this, from the 1st October 2015 the national Technical Housing Standards have been adopted and state that 39sqm internal floorspace per 1 bedroom (1 person) dwelling is required (reduced to 37sqm where there is a shower instead of a bath) to ensure the

development is in line with planning requirements.

- 6.11 Policy DM8 of the Development Management Document states that all new dwellings must make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. The Council's Design and Townscape Guide states that "Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development".
- 6.12 Policy DM15 of the Development Management Document sets minimum parking standards for new residential development but allowing for a flexible approach towards provision within sustainable locations served by a range of transport modes.
- 6.13 In summary the unauthorised development is poorly designed and fails to provide new residential units of an acceptable quality and standard. Whilst a degree of flexibility may be applied towards the parking needs of the development the unauthorised development displaces 6 of the 7 on site parking spaces designed for use by residential occupiers for the upper floors in direct contravention of condition 7 of the 1999 planning permission while adding the two new dwellings. The unauthorised development harms the amenity of occupiers of neighbouring development due to overlooking and invasion of privacy. The design and appearance of the balcony is also unacceptable.
- 6.14 Efforts to remedy the breaches of planning controls through concerted attempts to contact the freeholder have not resulted in the submission of an amended scheme or the removal of any of the unauthorised development.
- 6.15 In view of the lack of response from the freeholder it is now considered necessary and justified to take enforcement action to seek to resolve the harm caused by the identified breaches.
- 6.16 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action to remove the unauthorised development. Consideration has been given to whether some limited elements of the identified breaches such as the first floor door formation could be accepted on their merits but due to the interdependencies between the breaches and the absence of any mechanism for attaching planning conditions to mitigate harm, all of the issues in this report are proposed to be enforced against.

7 Recommendation

- 7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to;
- a) secure the removal of the unauthorised external door in the first floor west elevation
 - b) secure the removal of the balcony and enclosures formed on the first floor west elevation
 - c) removal in their entirety of the two ground floor flats known as 203A & 203B Hamlet Court Road and reinstate as a 4 parking space undercroft to serve the upper floor flats in the building
 - d) demolish the ground floor rear extension to the west side of the building and

- reinstate 2 parking spaces to serve the upper floor flats in the building.
- e) remove from site all materials resulting from compliance with a) to d) above

- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable.

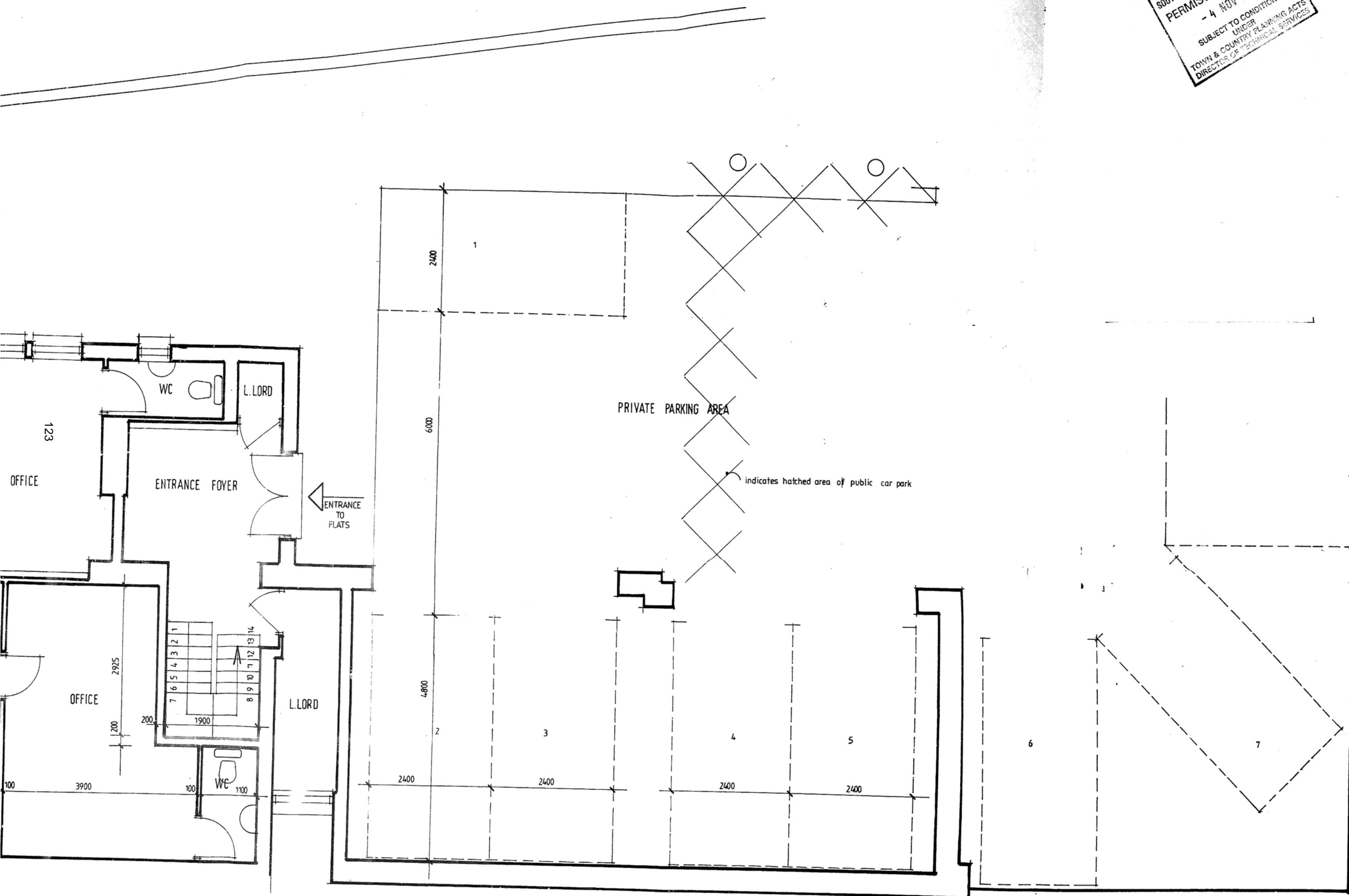
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Rear of Sovereign Mews showing unauthorised flats to ground floor and potential overlooking from an unauthorised balcony to 1st floor west elevation



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PERMISSION GRANT
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