

<b>Reference:</b>	18/01963/FULM
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Erect retail food store (Class A1), layout associated car parking, hard and soft landscaping and form new access on to Priory Crescent
<b>Address:</b>	Development Land at Priory Crescent, Southend-on-Sea, Essex
<b>Applicant:</b>	Aldi Stores Ltd
<b>Agent:</b>	Planning Potential Ltd.
<b>Consultation Expiry:</b>	19.11.2018
<b>Expiry Date:</b>	31.01.2019
<b>Case Officer:</b>	Charlotte White
<b>Plan Nos:</b>	22380CHE-102, 2238-CHE-100, 2238-CHE-113, 2238-CHE-112 Rev. A, 2238-CHE-111, V2238 L01, 2238-CHE-110 Rev. B, 18311-BT1, 2238 CHE Aldi Southend CGI 02, B2340-MJA-P105-4837.
<b>Recommendation:</b>	<b>Members are recommended to GRANT PLANNING PERMISSION, subject to conditions</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to erect a retail food store (Class A1) on the site with associated car parking, hard and soft landscaping and access onto Priory Crescent.
- 1.2 The proposed food store has a gross external area of 1,801sqm and provides 1,254sqm net internal retail floorspace with associated warehouse, plant and staff amenity areas. The proposed store is located towards the north-east of the site with parking to the south and west of the site with servicing to the north of the site. A total of 97 parking spaces are proposed including 5 accessible spaces and 8 parent and child spaces. Vehicle access will be provided via a new access from Priory Crescent. Pedestrian access will be available via Priory Crescent with two pedestrian accesses from the boulevard to the west of the site.
- 1.3 The proposed building has a mono-pitched roof design and measures some 64.6m x 30.8m, with a maximum height of some 8.4m.
- 1.4 The information submitted with the application states that the existing Aldi store in Eastern Avenue has significant operational constraints due to considerable customer growth and the existing store can no longer support the business's operational requirements. At just 0.5ha, it is not possible to adapt the existing store building or site further and as such Aldi wish to relocate. However, any planning permission granted as a result of this application will be for an A1 retail premises rather than for a certain operator, in this case Aldi.
- 1.5 The application has been submitted with a written scheme of investigation for an archaeological evaluation, a transport assessment, geotechnical and geo-environmental interpretative summary report, an extended phase 1 Habitat Survey, environmental noise report, BREEAM pre-assessment, archaeological scoping report (desk based), arboricultural assessment and method statement, design and access statement, flood risk assessment and outline drainage strategy, manual for managing trees on development sites, waste and recycling management strategy, statement of community involvement, framework travel plan, supplementary geo-environmental site assessment report, planning, economic and retail statement and reptile and bat surveys.
- 1.6 Pre-application advice has previously been provided by officers for the redevelopment of the site for a food store.

## **2 Site and Surroundings**

- 2.1 The application site measures some 0.744ha (1.836 acres) and is on the northern side of Priory Crescent. The site is currently vacant and being used as a site compound by Bellway. To the west of the site planning permission has recently been granted to construct a hospice with associated parking. Work is currently being undertaken at this site. To the rear of the site is a large residential development which is nearing completion. To the east of the site is Prittle Brook, the railway lines and the Saxon King Public House and its car park. Opposite the site is Priory Park. The site was previously used for industrial purposes.

Planning permission was granted under reference 14/00943/FULM to redevelop the wider site for residential purpose, to provide a hospice and some 5,600sqm of commercial (B1a) office floorspace. The commercial office development was proposed to be located on the application site. The site slopes gently from south to north.

- 2.2 The site is allocated for employment purposes in the Development Management Document's Proposals Map. There is an area of high flood risk (flood zone 3) on the eastern side of the site. To the south of the site in Priory Park is the Grade I Listed and Scheduled Ancient Monument Prittlewell Priory.

### **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on heritage assets, traffic and transportation issues, impacts on residential amenity, sustainability, flood risk and environmental protection, ecology and biodiversity and CIL (Community Infrastructure Levy) contributions.

### **4 Appraisal**

#### **Principle of Development**

**National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, CP1, CP2, CP3, CP4 and CP6; Development Management Document (2015) Policies DM1, DM3, DM13 and DM15 and the guidance contained in the Design and Townscape Guide (2009)**

- 4.1 Chapter 7 of the NPPF seeks to ensure the vitality of town centres is protected. 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.'*
- 4.2 Main town centre uses are defined in the NPPF as *'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).'*
- 4.3 The site constitutes an out of centre site and the proposed A1 use constitutes a main town centre use. As such it is necessary to apply the sequential test to determine whether there are appropriate alternative town centre sites or edge of centre locations that could be developed for this proposal. Only if no suitable town centre or edge of centre sites are available should out of centre sites such as this site be considered.

4.4 In this respect, the application has been submitted with a planning, economic and retail statement. This statement states that the application site represents the only suitable and available site to meet Aldi's requirements as a Limited Assortment Discount retailer.

4.5 The statement submitted highlights the current problems experienced by the existing Aldi store including its limited size and its limited parking. It is stated that Aldi has a specific business model as a limited assortment discounter or deep discounter and as such the store format and layouts are based on a specialist model which is essential to provide Aldi's offer. The sequential site assessment area has concentrated on Southend Town Centre as well as sites outside the Town Centre, but which are closer to the Town Centre than the application site. A number of sites have been considered (based largely on the SCAAP) and discounted including:

- The Roots Hall site – the site is considered unavailable as it represents an opportunity for a significant residential-led, mixed-use development. Planning permission which included a large format food store has expired.
- The Tylers site (east of Chichester Road and south of Tylers Avenue) – the site is unavailable and the site needs to accommodate car parking and residential units and is therefore unviable for Aldi and would not meet their operational needs.
- Land within the Victoria Gateway area – the site is unavailable and is not suitable to meet Aldi's requirements.
- Sutton Road site – The site is not available and has permission granted for residential development. The site is not suitable to meet the operational needs of Aldi.
- The Guildford Road site – the unit is unavailable and is currently in use by Co-op. The site is unsuitable and too small for the proposed development.
- The Queensway site – the site is not available for the proposed development. The redevelopment of the site would require a comprehensive multi-level scheme which would be unviable for Aldi and would not meet their operational requirements. Whilst small vacant units exist within the shopping parade along Southchurch Road, there are none which could realistically be considered appropriate to accommodate the proposal.
- The Marine Plaza Site – this site is not available and has permission granted for redevelopment. The site is unsuitable as the retail element of the consented scheme only represents 217sqm of gross floorspace which could not accommodate the proposed development.
- Seaway car park – the site is not available. The development of the site is expected to accommodate a mix of uses and would require a comprehensive multi-level scheme which would be unviable for Aldi and would not meet their operational needs.

4.6 In conclusion the planning, economic and retail statement concludes that there is no sequentially preferable site within or at the edge of Southend Town Centre which could realistically be considered both available and suitable to deliver the proposed Aldi food store.

- 4.7 Given the evidence provided within the application, it is considered that the sequential test has been satisfactorily undertaken and it has been clearly demonstrated that there are no available sites that would meet the requirements of the development located within the main town centre or edge of centre locations. As no such sites are available, the out of centre site proposed is considered acceptable in this instance and the development passes the sequential test. No objection is therefore raised to the principle of the development in this respect. As the proposal results in less than 2500sqm of floorspace an impact assessment in accordance with paragraph 81 of the NPPF is not required in this instance.
- 4.8 Policy CP1 of the Core Strategy states that 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 of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 4.9 Policy DM11 of the Development Management Document states *'The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where:*
- A. The development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or*
  - B. The development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Borough Council for the concerned site, which set out other appropriate uses; or*
  - C. It can be demonstrated to the Council's satisfaction that:*
    - i. There is no long term or reasonable prospect of the site concerned being used for Class B purposes (this should include a minimum 2 year active marketing exercise where the vacant site/floorspace has been offered for sale or letting on the open market at a realistic price and that no reasonable offers have been refused...) and*
    - ii. The use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and*
    - iii. The alternative use cannot be reasonable located elsewhere within the area it serves; and*
    - iv. The use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking; or*
  - D. It can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs to the estate's working population and will not result in a material change to the Class B character and function of the area.'*
- 4.10 In relation to part A of Policy DM11, the development does not constitute a sui generis use of a similar employment nature which is compatible with the operating conditions of the employment area. The development does not therefore satisfy this criterion.

- 4.11 In terms of part B of Policy DM11, a planning brief was developed for this site and the wider development site including the hospice site to the west and the residential development to the rear of the site. The development brief for the former Prittlebrook Industrial Estate was adopted as Council Policy in 2014 and set out the planning guidance for the redevelopment of the site. This planning brief states *'there is a clear recognition that the site has major regeneration potential to provide a high quality and sustainable mixed use scheme which will revitalise this brownfield land and provide new housing and employment uses and also improve the visual appearance of the site and the surrounding area.'* The brief goes on to state *'The site has remained vacant for a number of years...It is recognised that there is little prospect of the site being redeveloped for a purely commercial/employment led scheme...the redevelopment of the site for a mix of uses is therefore considered appropriate...providing a range of uses including new homes, jobs and open space...Any redevelopment of the site should incorporate opportunities for new job creation through the provision of deliverable employment generating floorspace. Given the location of the site, the provision of modern office accommodation (Class B1) is considered appropriate. The provision of any employment generating floorspace will need to be viable and realistic. It will need to be market led and designed to be sufficiently flexible to attract potential end users...the south eastern part of the site is the most appropriate location for any new commercial uses...In order to maximise the employment potential of the site building heights should extend up to four storeys in height...'*
- 4.12 The planning brief for this wider area sought to develop the current application site for employment office/commercial purposes. As such it is considered that the development is not in conformity with a planning brief as it sets out an alternative use, other than employment, for the site. As such the proposal does not satisfy criterion B of Policy DM11.
- 4.13 The development does not constitute a complementary and supporting use that is subservient to and ancillary to principal employment uses and does not serve the day-time needs of the estate's working population. The proposal does not therefore satisfy criterion D of Policy DM11.
- 4.14 In relation to part C of Policy DM11, the planning, economic and retail statement submitted states *'The continued lack of demand for the commercial floorspace has been firmly illustrated through the marketing strategy for the site that has been in place since the approval of planning permission in 2015. This confirms there has been a lack of commercial interest in the site to date for development falling within Class B employment uses...the site has been marketed for office use continuously for nearly three years with no firm interest having been expressed for this form of B class use at this location.'*
- 4.15 The application has been submitted with a letter from Kemsley Property Consultants which states that Bellway Homes instructed Kemsley LLP to commence marketing the site on 31 October 2015 with a marketing board erected in November 2015 promoting the site for office development. Sales particulars were emailed to 49 registered applicants looking for office space in the region as well as 650 targeted occupiers across Southend. Details were circulated to estate agents. The instruction was announced as a news story on Kemsley's website and was advertised on Kemsley's website, EG Propertylink, Zoopla, Movehut and

Want Space Got Space. An advertisement appeared in the Estates Gazette on 2<sup>nd</sup> April 2016. Mailing and emailing was repeated in January, March and May 2016.

- 4.16 The applicants state that this marketing exercise resulted in enquiries from care homes, car dealerships, food retailers, hotel, gym, a private hospital and two office occupiers. The marketing strategy was entirely focused on the office market but the two office enquiries received did not progress further than initial discussions. Additional marketing actions then ensued including updating online information, new board and banners to be visible from the train line and a new V board on Priory Crescent and a dedicated website for Ecko Business Park.
- 4.17 Given that no serious interest was generated for office occupiers, an informal tender with the remaining interested parties was undertaken. Heads of terms were agreed with Aldi on 31<sup>st</sup> August 2017 with exchange of contracts taking place in August 2018. The Ecko business centre remained openly on the market throughout the whole period until exchange of contracts but no further office enquiries were received.
- 4.18 As such marketing was undertaken from November 2015 until August 2018 – a period of almost 3 years with no interest in employment uses on the site. It is therefore considered that the proposed development satisfies criterion C of Policy DM11 as it has been demonstrated that there is no long term or reasonable prospect of the site being used for Class B purposes. It is also considered that the food store use is compatible with and will not compromise any other nearby employment uses, the food store use cannot be reasonable located elsewhere and will not give rise to unacceptable traffic generation (as discussed elsewhere in this report). As such the development would satisfy criterion C of Policy DM11 and the principle of the development is acceptable and policy compliant in this respect.
- 4.19 The development passes the sequential test and sufficient evidence has been submitted to demonstrate that the site was adequately marketed for B class uses for almost 3 years with no subsequent interest. The principle of the development is therefore considered acceptable and policy compliant and no objection is raised on this basis, subject to the detailed considerations discussed below.
- 4.20 Given the lack of demand that has been shown for office development on this site, as demonstrated by the marketing evidence submitted, it is not considered necessary to provide offices above the development in this case. The information submitted with the application refers to the office accommodation that has been provided above Aldi in Westcliff (London Road) which reportedly took 7 years to be partly occupied and the Lidl in Eastwood (Progress Road) which is reportedly still vacant 3 years after the store opened. As such it is not considered necessary for the development to provide upper level office accommodation in this instance.
- 4.21 Whilst the proposal will result in the loss of Bellway's site compound, it is noted that the Bellway development to the rear of the site is nearing completion and this would be a matter for Bellway and the site's owners and is not a reason to refuse planning permission.

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

**National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, CP4; Development Management Document (2015) Policies DM1, DM3, DM5 and the Design and Townscape Guide (2009).**

- 4.22 Design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the National Planning Policy Framework, in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. The Design and Townscape Guide states that, *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.23 Policy DM1 of the Development Management Document states that *the Council will support good quality, innovative design that contributes positively to the creation of successful places and add to the overall quality of the area and respect the character of the site, local context and its surroundings.*
- 4.24 Policy DM3 relates to the efficient and effective use of land and states that *the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity. Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area.*
- 4.25 The size and scale of the proposed development would not be materially out of keeping with the surrounding area. The proposed store would have a maximum height of some 8.4m. The approved hospice (reference 18/00952/FULM) is part single storey, part 2 storey with the two storey element having a height of some 10m) and the flats to the immediate rear of the site are 3 storey in nature. The size, scale and height of the development is therefore acceptable and would not be materially out of keeping in the area.
- 4.26 In terms of siting, the building is to be located towards the north-eastern corner of the site. The building has been designed to include large areas of glazing to the southern and western elevation fronting Priory Crescent and the pedestrian boulevard to the west of the site which will provide an active frontage to these key vistas. Large areas of parking are proposed to the front of the site, however, mature landscaping will be provided to this frontage. The adjoining hospice development permitted under reference 18/00952/FULM includes areas of hardsurfacing and parking to the front and east of the site with the entrance to the hospice set back within the building. The siting of the development will prevent the building appearing cramped in the site. Permeability throughout the site is provided with pedestrian access provided from the boulevard to the west in two places which is positive. As such, on balance it is considered that the siting of the proposed food store, as submitted, is acceptable and would not result in any material harm to the character and appearance of the area.



- 4.27 The design constitutes a mono-pitched building utilising silver and grey cladding, powder coated aluminium shopfronts, windows and doors, a charcoal brickwork plinth with black mortar and grey composite roof panels. This design and these materials will result in a contemporary appearance which would not be out of keeping with the modern residential development to the rear of the site, the adjoining Saxon King public house or the approved hospice development to the west of the site. The shop fronts and glazing provide an attractive frontage to the building and the entrance is legible.
- 4.28 It is proposed to use tarmac to the parking aisles and spaces. This would be in-keeping with the hardsurfacing approved at the hospice and the existing access and car park serving the adjoining public house on character grounds. It would not be out of keeping in the area and is therefore acceptable.
- 4.29 The car park will be significantly screened by landscaping with ornamental hedge planting on the front boundary on Priory Crescent with three semi-mature Acer trees provided in front of the car park. Landscaping will be provided to the boundaries of the site and will significantly screen the parking area. Subject to a condition requiring the development to be undertaken in accordance with the submitted landscaping scheme the development is considered acceptable in this respect.
- 4.30 Whilst signage and advertisements are shown on the submitted plans, separate advertisement consent will be required for these elements of the scheme and are not considered as part of this application.
- 4.31 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. Section 66(1) of this Act 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.
- 4.32 Paragraph 184 of 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'* Significance is defined in the NPPF as *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic...'*
- 4.33 Paragraph 195 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss..'*
- 4.34 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'.*

- 4.35 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...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.'*
- 4.36 The site is significantly removed from any Conservation Areas. The nearest Listed Building is to the south of the site in Priory Park; Grade I Listed and Scheduled Ancient Monument Prittlewell Priory. Given the separation provided between the development and that designated heritage asset it is considered that the proposal would have no adverse impact on its special character and appearance or its setting. There are few built heritage assets within the wider study area and those that are present, including the Scheduled and Listed Prittlewell Priory, are likely to be masked from the development by existing planting and buildings. The development is therefore acceptable and policy compliant in this respect.
- 4.37 The desk-based archaeological scoping report states that the site lies in an area with potential for below ground remains to be present, particularly in relation to the prehistoric, Roman and Anglo-Saxon periods. The prehistoric remains in the area generally comprise find spots but work elsewhere in the vicinity has concluded that the Prittle Brook, which lies to the east of the site, was a particular focus of activity through these periods and as such it is possible that remains from this date may be present. Any such remains are most likely to be isolated artefacts and of minor to moderate significance. The report concludes, in general terms that the impacts on archaeological remains arise from groundworks associated with development. In that event, mitigation works such as a programme of archaeological excavation and recording are likely to be required to ensure the preservation by record of any threatened remains.
- 4.38 The application has also been submitted with a written scheme of investigation for an archaeological evaluation which outlines the methodology, how the evaluation and recording will take place, and how the results will be presented.
- 4.39 The Council's archaeology team has commented that due to the proximity of the site for Bronze Age, Roman and Anglo-Saxon finds and the proximity of the site to the Prittlewell Anglo-Saxon Cemetery a condition would need to be attached to any grant of consent requiring a watching brief. Subject to such a condition the development is acceptable and policy compliant in this respect.

### **Traffic, Transportation and Access**

**National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP4, CP3; Development Management Document (2015) Policies DM1, DM3, DM13 and DM15 and the Design and Townscape Guide (2009)**

- 4.40 The adopted parking standards set maximum parking standards for food retail shops of 1 space per 14sqm. The gross internal floor space proposed is 1,801sqm. As such a maximum of 129 parking spaces are required. 97 parking spaces are proposed. The development therefore accords with the parking standards and it is considered that adequate parking provisions will be provided for the development. The information submitted with the application indicates that the existing Aldi store to the north of the site provides 77 parking spaces. This proposal seeks to provide an additional 20 parking spaces. This is considered to support the view that adequate parking provision would be provided to meet the requirements of the development and no objection is therefore raised on this basis. Given the level of on-site parking providing it is considered that the development would not result in undue on-street parking in the surrounding roads.
- 4.41 In terms of cycle parking the adopted standards require a minimum of 1 space per 400sqm for staff and 1 space per 400sqm for customers. As such the development would require a minimum of 10 cycle parking spaces. The submitted plans indicate that 4 Sheffield cycle hoops will be provided. It is unclear from the information submitted whether the cycle parking will be covered and secure and the 4 Sheffield hoops proposed would only provide 8 cycle parking spaces. However, it is considered that a condition could be imposed on any grant of consent requiring the provision of 10 covered and secure cycle parking spaces. Subject to such a condition the development is acceptable and policy compliant in this respect.
- 4.42 The application has been submitted with a Transport Assessment which states that the proposed site access arrangements will involve all vehicles, including delivery vehicles accessing the site via a priority junction with a right turn lane on Priors Crescent and the junction will be left-out only. This arrangement will be similar to existing, however the junction will be formalised with dropped kerbs and tactile pavement for pedestrian crossing. The Transport Assessment states that the site is well connected to the local pedestrian network with opportunities for customers to make trips by foot. There are also good opportunities for future staff members to walk to work. The Transport Assessment states that considering that the roads local to the site are urban in character and the local topography is generally gentle, cycling provides an opportunity to access the store by a sustainable mode of transport for potential customers and staff members. The Transport Assessment submitted includes swept path analysis for HGV delivery vehicles and states that the track plots show that the service route through the car park is satisfactory and that service vehicles would be able to manoeuvre within the site, enabling service vehicles to arrive and depart to and from the site in a forward gear. However, it is recommended that a condition is imposed on any grant of consent requiring a delivery management plan in the interests of highway safety.
- 4.43 The submitted Transport Assessment includes a traffic assessment and junction capacity tests and collision analysis and concludes that the net traffic effect of the proposals will be modest and that the development is not expected to materially affect local road safety.

- 4.44 The application has been submitted with a framework travel plan. A travel plan co-ordinator will be appointed. All staff will be made aware of the travel plan and will be provided with information on sustainable travel. Walking will be promoted with posters, lockers provided and walk to work weeks. Cycling will be promoted with Aldi a member of the Government's 'cycle to work' scheme, cycle parking will be provided with additional cycle parking provided if required, promotional material and bike weeks will be promoted. Bus travel will be encouraged with up to date bus service information provided and maintained. A list of local taxi companies will be available in the staff room and car sharing will be encouraged. The plan will be monitored and reviewed. Within 6 months of the store opening the operator will conduct travel surveys to assess the exiting travel patterns of employees. Three months from this date a copy of the full travel plan will be submitted to the local planning authority. Subject to a condition requiring the submission of the travel plan within 9 months to accord with the above time frames, the development is considered acceptable and policy compliant in this respect.
- 4.45 The Highways Team has commented that the access proposed uses an existing access point which was previously used by the car garage/vehicle sales and showroom and was the access point for the proposed office development. Vehicles will not be able to turn right out of the site which will be enforced by a traffic regulation order. The development will result in a marginal increase in traffic movements, but these are not expected to have a detrimental impact on the local highway network. The parking provisions are acceptable and policy compliant. Vehicle tracking demonstrates that HGV's can access the site, manoeuvre and leave in a forward gear. The site is located in a sustainable location. The Highways Team therefore raise no objection to the proposal. It is considered that the development would not harm highway safety and no objection is raised on this basis.
- 4.46 The development is acceptable and policy compliant in regards to traffic, transportation, parking and access matters.

#### **Impact on Residential Amenity**

**National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).**

- 4.47 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *"having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."*
- 4.48 Further to the above policies and guidance development proposals must protect the amenity of neighbours having regard to matters such as privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.

- 4.49 To the north of the site is a residential development permitted under reference 14/00943/FULM which is currently under construction and nearing completion. Directly to the north of the site is public open space and beyond that is a 3 storey block of flats with associated car parking. The office blocks previously approved on the application site constituted 4 storey blocks which fronted the boulevard to the west of the site and the public open space or Priory Crescent.
- 4.50 The proposed food store would be located approximately 15m from the northern boundary of the site. The deliveries will be undertaken on the northern side of the building with the loading ramp located some 9.2m from the northern boundary of the site. There will be intervening landscaping provided between the store, delivery area and northern boundary and there is an area of public open space to the immediate rear of the site. As such, given the separation distances provided between the development and the adjoining dwellings to the north and subject to a condition restricting the delivery hours (as discussed below), it is considered that the development would not result in any material harm to the amenity of the adjoining residents to the north in terms of noise and disturbance.
- 4.51 Given the separation distance provided between the proposed development and the dwellings to the north and the nature and scale of the proposed development, it is considered that the development would not result in any material harm to the occupiers to the north of the site in terms of dominance, an overbearing impact, material loss of light and outlook or a material sense of enclosure. The development is therefore acceptable and policy compliant in this respect.
- 4.52 To the west of the site planning permission has recently been granted to construct a hospice which is of a different design and layout to the hospice originally approved under reference 14/00943/FULM. The revised hospice approved under reference 18/00952/FULM has been designed to be located on the western side of that site with the parking on the eastern part of the site which is closest to the current application site. Given the separation distance between the hospice and the proposed food store it is considered that the development would not result in any material harm to the hospice environment in terms of noise and disturbance, dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure.
- 4.53 The application site is separated from the public house to the east of the site by Prittle brook and the car park at the public house. Given the nature of the existing use to the east of the site and the separation distance between the proposed development and the public house it is considered that the development would not result in any material harm to the public house to the east in terms of noise and disturbance, a material sense of enclosure, dominance, overbearing impact or loss of light and outlook.
- 4.54 The application has been submitted with an environmental noise report. In respect of noise from mechanical services plant this states that the precise details of the mechanical services plan and refrigeration equipment are not known at this stage. The fixed plant will include refrigeration and condenser units which are likely to be located on the eastern side of the store. The report recommends that the rating level of the new plant should be designed not to exceed the existing background noise levels. Subject to a condition in this respect, no objection is therefore raised on this basis.

- 4.55 The environmental noise impact assessment submitted considers noise from car parking, comments that the nearest residential properties which are located to the rear of the site are located 70m from the nearest car parking spaces on the site and concludes that the predicted car park noise is significantly within the World Health Organisation (WHO) guideline values and will be below the existing ambient noise levels. The environmental noise impact assessment submitted therefore concludes that the impact of noise from the car parking will not have a significant adverse effect on the health and quality of life of nearby noise sensitive receptors and as such there is no need to restrict the trading hours of the development. Given the findings of this report, officers consider that the development is acceptable in this regard and will not result in any material harm to the amenity of nearby residents in terms of noise and disturbance in this respect. Given the above, it is considered that a condition is not required to restrict the trading hours of the development as such a condition would not meet the tests for conditions as set out in the NPPF. The NPPF states *'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'*
- 4.56 The environmental noise survey submitted considers the impact of the servicing for the development on nearby residents. The report states that all goods are delivered on pallets so there is no noise from empty cages being reloaded, the delivery vehicles used are rigid and goods are loaded directly into the warehouse with no movement of goods outside within the service bay. The report concludes that the predicted noise levels will be within the WHO day time values but will marginally exceed the night time maximum values. The report comments that exceedance of the WHO guidelines does not necessarily imply significant noise impact. The report comments that in all cases predicted noise levels from delivery activity are below the existing noise levels at the site. It is stated that existing maximum noise levels regularly exceed those predicted from delivery activity between 06:00 and 23:00. The report makes reference to the contextual considerations with the dwellings to the north constructed using acoustic trickle vents which will assist in protecting residents against noise from delivery activity. The report therefore concludes that appropriate delivery hours would be 06:00 to 23:00 Monday to Friday and 07:00 to 23:00 Saturdays and Sundays.
- 4.57 The environmental noise assessment submitted refers to an appeal at the Aldi store at 666-686 London Road, Westcliff. The appeal was allowed and permitted delivery hours of 06:00 to 00:00 Mondays to Saturdays and 08:00 to 17:00 on Sundays and Bank Holidays. In that case residential properties back directly onto the western and southern boundaries of that car park and the noise assessment submitted in that case found that the proposed extension of delivery hours would exceed the World Health Organisation guidelines, but would be imperceptible. In that case the nearest dwellings would be some 46m from the service yard and an acoustic fence was provided. The Inspector concluded *'I am not persuaded that deliveries during the proposed hours would give rise to individual noise events whose character or infrequent nature would be significantly different from existing background noise levels. Consequently, I find that the proposal would not have a harmful effect on the living conditions of neighbouring residential occupiers by reason of noise and disturbance.'*

- 4.58 Given this recent appeal decision, the findings of the submitted environmental noise assessment and the significant separation distances proposed between the development and the adjoining dwellings, it is considered that the delivery hours suggested by the report of 06:00 to 23:00 Monday to Friday and 07:00 to 23:00 Saturdays and Sundays to be acceptable in this instance.
- 4.59 Subject to conditions, the development is therefore acceptable and policy compliant in regards to amenity considerations.

### **Sustainability**

#### **National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1 and DM2 and the Design and Townscape Guide (2009).**

- 4.60 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.
- 4.61 A condition is required to be attached to any grant of consent requiring full details of the renewable systems to be provided to ensure that at least 10% of the energy needs of the development come from on-site renewables. Subject to such a condition no objection is therefore raised on this basis.

### **Flood Risk and Environmental Protection**

#### **National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14**

- 4.62 Paragraph 155 of the NPPF states *‘Inappropriate development in areas 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.’*
- 4.63 Policy KP1 of the Core Strategy requires the submission of flood risk assessments in areas at risk of flooding and states *‘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 which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.’*
- 4.64 The eastern part of the site is located within flood zone 3 (high probability of flooding). The application has been submitted with a Flood Risk Assessment and Outline Drainage Strategy which states that the existing ground levels across the site range from between 11.95m to 13.88m AOD.

The ground floor levels for the demolished buildings were approximately between 12.65m AOD and 12.97 AOD. The finished ground floor level of the proposed store is approximately 12.80m AOD. The submitted FRA states that there has been no instance of historic flooding occurring on or near the site.

- 4.65 The FRA submitted states that the majority of the site is in Flood Zone 1, with a narrow strip of land along the eastern boundary within flood zone 3. By setting the floor level of the proposed building at 12.80m AOD, the proposed store will be approximately 630mm above the modelled 1 in 1000 year plus climate change flood level and will be set at a similar ground floor level to the buildings that used to be present on the western part of the site.
- 4.66 The proposed building and car park have been located away from the eastern boundary of the site and will not be located within the area designated as Flood Zone 3. Given this and the proposed finished floor level at 12.80m AOD, the submitted FRA concludes that the risk of fluvial and surface water flooding to the new store will be reduced.
- 4.67 The submitted FRA states that parts of the site are at risk of surface water flooding.
- 4.68 The submitted FRA comments that the risk of ground water flooding affecting the proposed store should be acceptably low and no specific protection measures against groundwater intrusion are required.
- 4.69 The Environment Agency has raised no objection to the proposal, commenting that the development has been sequentially sited within flood zone 1 and therefore the sequential and exception tests are not applicable in this instance. The finished floor levels will be set at 12.80 AOD which is 630mm above the 1 in 1000 year plus climate change flood levels with safe access and egress routes through flood zone 1. The Environment Agency therefore concludes that there will be no danger to people. As such the development is considered acceptable and no objection is raised on this basis.
- 4.70 The submitted FRA and drainage strategy comments that the geology of the site will not support the use of infiltration drainage and as such it is proposed to discharge surface water flows into Prittlebrook. The development will result in an increase in impermeable area, resulting in an increase in the volume of surface water entering the watercourse. However, it is proposed to limit the peak surface water discharge to the watercourse to as far as practical that of the greenfield runoff rate for the site. The submission states that the use of swales, ponds or other surface means of attenuation will not be practicable as there would not be sufficient room within the site to accommodate the new store and the requisite parking. Surface water attenuation storage in the form of buried attenuation tanks beneath the car park are proposed. The FRA therefore concludes that provided surface water drainage systems including attenuation and control devised are provided in accordance with the Building Regulations and are adequately maintained, then the risk of surface water flows being generated as a result of the development should be acceptably low.



- 4.71 The Council's SuDS Engineers have commented that additional information is required and an updated drainage strategy will be required. It is considered that a condition can be imposed on any grant of consent in this respect.
- 4.72 Subject to a condition requiring an updated drainage strategy it is considered that the development would not be at risk from flooding or increase the risk of flooding elsewhere as result of the development. The development is therefore acceptable and policy compliant in this respect.
- 4.73 Policy DM14 of the Development Management Document requires development on or near land that is known to be contaminated to be submitted with a contaminated land assessment and states that where contamination is found, the Council will impose a condition, if appropriate to ensure appropriate remediation is undertaken.
- 4.74 The application has been submitted with a geotechnical and geo-environmental interpretative summary report which states that a clean capping layer will be provided as a barrier between the existing shallow soils and receptors to mitigate the potential risks to site users due to soil contamination. Capping will be necessary in landscaped areas and gardens. In terms of risks to groundwater, the report recommends remediation comprising the removal of impacted ground, capping the hotspots of contamination and gas protection measures. Assessment of risks posed to controlled water due to leaching of contaminants from contaminated soils may be required. Should additional investigations indicate that the groundwater in this area is impacted then a detailed risk assessment to assess the risks posed to sensitive receptors will be required. Subject to the findings of the detailed risk assessment, remediation may be required.
- 4.75 This report concludes that a number of points need to be addressed including the extent of the hydrocarbon/heavy metal hotspots, the leachability of the hydrocarbon contaminated soils to assess the risks posed to controlled waters, the extent of possible asbestos in the shallow soils, confirmation of the waste classification, a minimum of 2 further ground gas monitoring visits, the groundwater regime beneath the site, the level of the top and base of the gravels across the site, the variation of the depth of the surface of the London Clay across the site, geotechnical design parameters for foundations, floor slabs, roads and pavements and soakaway potential.
- 4.76 The application has also been submitted with a supplementary geo-environmental site assessment report which concludes that further assessment and or remediation is necessary. The report identifies a number of contaminants and remediation is needed. It is recommended that consideration be given to either removal and/or a clean capping layer, the installation of vapour protection measures, importation of suitable growing medium for planted areas, that gas protection measures are installed and that a detailed remediation strategy be developed and implemented. A foundation works risk assessment is needed.
- 4.77 As such, subject to conditions requiring remediation works the development is considered acceptable and policy compliant in contamination terms and no objection is raised on this basis.

## Ecology, Biodiversity and Trees

### **National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policy DM2.**

- 4.78 Policy KP2 of the Core Strategy requires all new development to *'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...'*
- 4.79 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. This will be achieved by...safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance...'*
- 4.80 Natural England has raised no objection to the proposal commenting that the development is not likely to result in significant impacts on statutory designated conservation sites or landscapes.
- 4.81 The application has been submitted with an extended phase 1 habitat survey which recommends that site clearance works are undertaken outside of the bird nesting season (October to February) or if this is not possible then the site should be surveyed by an ecologist before works commence. If nesting birds are found then work cannot commence until their young have fledged. The report has identified a number of walkways attributed to badgers on the site and as such recommends that a badger survey is undertaken. It is also recommended that a reptile survey is undertaken due to the presence of long grass and adjacent scrub. The report also recommends that a bat survey is undertaken to evaluate the activity and presence of bats within the site and along the boundaries as there are a number of features suitable to support foraging bats and the site is considered to be of moderate value for foraging bats.
- 4.82 The extended phase 1 survey submitted states that bat and bird boxes should be included within the new building design and wherever possible wild flower seed mix and native trees and shrubs used to landscaped area.
- 4.83 Conditions are therefore required to be attached to any grant of consent requiring clearance works to be undertaken outside of the bird nesting seasons and details of bird and bat boxes.
- 4.84 The application has been submitted with a reptile survey dated June 2014 which concludes that no reptiles were observed through the survey and no further reptile mitigation or further surveys are therefore required. A bat survey dated June 2014 has been submitted which found low levels of activity which was mainly restricted to the eastern boundary of the site, adjacent to the railway line and Prittle Brook. It concludes that the development would have a neutral impact on the foraging activities present, with vegetation along the eastern boundary being unaffected by the proposed works. The report does make recommendations that bat and bird boxes be provided and requires a suitable lighting scheme to be implemented, which can be controlled via planning conditions.

- 4.85 No badger survey has been provided and the bat and reptile surveys are a number of years old. As such and given the specific circumstances of this site, it is recommended that a condition is imposed on any grant of consent requiring up to date reptile, bat and badger surveys to be submitted which includes any necessary mitigation should evidence of protected species be identified on the site. Subject to such a condition no objection is raised on this basis.
- 4.86 The application has been submitted with an Arboricultural Assessment and Method Statement which states that all of the trees that may be affected by this development are located off site and are growing along the eastern boundary of the site. The existing site is covered with substantial hardstandings. No trees will be removed as a result of the development and no trees will be pruned as a result of this development. The off-site trees may be affected by the removal of existing hard surfacing and replacement with new surfacing and soft landscaping. The existing surfacing will need to be removed taking care not to overly disturb any roots that may have grown beneath them and it is concluded that the works can be implemented without any long-term detrimental impact on tree health and therefore local character. The report concludes that there will be no adverse impact on retained trees once the development is complete. Tree protection measures are proposed. Arboricultural supervision will be provided during the development. Subject to the development being undertaken in accordance with the submitted Arboricultural Assessment and Method Statement, the development would have no adverse impact to trees near the site and the proposal is acceptable and policy compliant in these regards.

### **Other Matters**

- 4.87 The application has been submitted with a waste and recycling management strategy which indicates that specific areas within the warehouse are marked for the collection of various types of items which can be recycled including paper and cardboard, plastic, batteries, waste electrical and electronic equipment and waste food. An existing secure metal enclosure is to be provided alongside the service ramp for location of a plastic lined receptacle which is used for general waste and is disposed of by a national waste disposal company.

### **Community Infrastructure Levy (CIL) Charging Schedule**

- 4.88 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 CIL rate for this development is £12.04 per sqm. The proposed development would therefore equate to a CIL charge of approximately £21,681.27 (subject to confirmation).

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (2018)

- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).
- 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) and DM15 (Sustainable Transport Management).
- 5.4 The Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule

## **6 Representation Summary**

### **Highway Team**

#### 6.1 *Access*

Access to the proposal is via Priory Crescent using an existing access point which was previously used by the car garage and was the access point for the proposed office development. Vehicles exiting the site will not be able to turn right onto Priory Crescent vehicles will only be able to turn left. This will be enforced by a traffic regulation order. This approach mirrors that of the public house to the east of the site. Given the historic use of this access point which included right turn in and right turn out it is not considered that a highway objection can be raised to the applicants proposed use of the access.

#### *Traffic Impact*

The applicant has supplied TRICS data to demonstrate the proposed associated vehicle movements when compared with the approved office development and maintained use of the existing Aldi Store including by another operator. The traffic assessment has included a study area of Cuckoo Corner, entrance/exit to the proposal, the existing store entrance/exit and Sutton Road roundabout. Growth factors have been applied to the junctions to 2023 which provides a robust approach to the modelling. Whilst there is a marginal increase in traffic movements these are not expected to have a detrimental impact upon the local highway network. The applicant has provided a detailed and robust Transport Assessment.

#### *Parking*

98 car parking spaces have been provided which meets current policy car parking standards. Cycle parking has been provided. Parking provision for the site is acceptable with no objection raised.

#### *Servicing*

4 HGV delivery vehicles will attend site daily. Vehicle tracking has been provided that demonstrates that an HGV can access the site manoeuvre and leave in a forward gear. The servicing strategy for the proposal would be the same as the existing store.

The site benefits from being in a sustainable location with regard to public transport with good link in close proximity in addition to good pedestrian links.

Having reviewed the applicants transport assessment it is not considered that a highway objection can be raised.

#### **Council's SuDS Engineers**

- 6.2 With regard to this planning application, it is considered that additional information is required to satisfy planning requirements.

#### **Environment Agency**

- 6.3 We have no objection in relation to flood risk, providing that you are satisfied that the development would be safe for its lifetime. The applicant has sequentially sited all proposed development within Flood Zone 1. The proposed Aldi store is classified as a 'less vulnerable' development. The finished floor level will be set at 12.80m AOD which will be 630mm above the 0.1% AEP (1 in 1000) plus climate change. The access and egress route travels through Flood Zones 1 and therefore does have a safe route of access. We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. We agree that this indicates that there will be no danger to people.

The site is located within Flood Zone 1 with a 'low probability' of flooding with less than a 1 in 1000 annual probability of river flooding in any year. Therefore, the Sequential and Exception Tests will not need to be undertaken as part of this planning application.

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Prittlebrook, is designated a 'main river.'

#### **6.4 Essex County Fire & Rescue Services**

Access for fire service vehicles is considered satisfactory. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development.

#### **6.5 Essex and Suffolk Water**

Our records show that we do have apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our company network.

#### **6.6 Archaeology Team**

There is an archaeology requirement for this development due to the proximity of the site to Bronze Age, Roman and Anglo-Saxon find stops as well as the Prittlewell Cemetery. It is recommended that a watching brief condition is imposed.

## 6.7 **London Southend Airport**

Our calculations show that, at the given position and height, the application will have no effect upon our operations. We therefore have no safeguarding objections. Any crane or piling rig will need to be safeguarded separately.

## 6.8 **Natural England**

Natural England has no comments to make on this application. Natural England refer to their standing advice on protected species. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

## 6.9 **Historic England**

We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

## **Public Consultation**

6.10 49 neighbour letters were sent out and a site notice was displayed and the application was advertised in the press. 1 letter of representation has been received which makes the following summarised comments:

- Concerns that customers and staff will use the residential parking areas and roads in the EKCO park housing estate instead of Aldi's own car parking, therefore causing problems for local residents.

Officer comment: The adjoining residential roads to the north will not have parking restrictions, but will be adopted by the Council and given the level of on-site parking proposed it is considered that parking on surrounding roads will not be problematic. The hospice will benefit from parking management and it is therefore considered that the hospice will not suffer in this respect. 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.

## **7 Relevant Planning History**

7.1 18/01732/RSE - Erect food store with associated car parking, servicing, landscaping and associated works (Request for Screening Opinion) – Not EIA development.

7.2 18/00952/FULM – Erect 16 bedroom hospice (Class C2) with day care and treatment facilities, ancillary office space, layout parking, hard and soft landscaping, form vehicular access on to Priory Crescent – planning permission granted.

7.3 14/00943/FULM – Hybrid application to erect mixed use development comprising 231 residential dwellings (Class C3) extending to 2-3 storey's and including affordable housing with access off Thorndon Gardens, 2 storeys 3942m<sup>2</sup> hospice facility (Class C2) with access off Priory Crescent, together with associated highways works, open space, hard and soft landscaping, car parking, associated infrastructure (full application) and approximately 5,600m<sup>2</sup> of commercial floorspace (Class B1a) with access of Priory Crescent (outline application) – planning permission granted.

**8 Recommendation**

**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: 22380CHE-102, 2238-CHE-100, 2238-CHE-113, 2238-CHE-112 Rev. A, 2238-CHE-111, V2238 L01, 2238-CHE-110 Rev. B, 18311-BT1, 2238 CHE Aldi Southend CGI 02, B2340-MJA-P105-4837.**

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

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

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

- 04 The development shall be undertaken in accordance with the approved hard and soft landscaping scheme as shown on drawing number V2238 L01, or any other hard and soft landscaping scheme that has been previously submitted to and approved in writing by the local planning authority. 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 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 as may be agreed with the Local Planning Authority. Hard landscaping 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 and to ensure a satisfactory standard of landscaping, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

**05** The development shall not be first brought into use until 97 on site car parking spaces have been provided and made available for use in full accordance with drawing 2238-CHE-110 rev. B, 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 customers and staff of the development.

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

**06** Notwithstanding the details shown on the plans hereby approved the development shall not be brought into first use unless and until details of a minimum of 10 secure, covered cycle parking spaces to serve the development have been submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided and made available for use for occupiers of the development in full accordance with the approved plans. The approved facility shall be permanently maintained thereafter.

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

**07** The development shall be undertaken and thereafter occupied and maintained in perpetuity in accordance with the waste and recycling management strategy reference 2238-CHE dated 08.10.18. or any other waste management strategy that has previously been submitted to and approved in writing by the local planning authority.

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

**08** No external plant or ventilation equipment shall be installed at the development unless and until full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standard 4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest



noise sensitive property with no tonal or impulsive character.

**Reason:** To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities and to ensure an appropriate design response in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 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 biodiversity and the safety and amenities of the area, 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** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first use of any part of the development. This provision shall be made for the lifetime of the development.

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

- 11** Commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 hours Mondays to Fridays and 07:00hours to 23:00hours on Saturdays, Sundays and Bank Holidays.

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

- 12** No surface water drainage works shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works incorporating Sustainable Urban Drainage (SUDS) Principles have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is brought into first use and shall be managed and maintained as such thereafter. Those details shall include:

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

13

No development (including site clearance, demolition etc.) shall take place until a detailed assessment of how each and every part of the site has been used in the past and the potential risk of contamination has been carried out and a written report of the assessment in the form of a Phase 1 (contaminated land assessment) report has been submitted to and approved in writing by the Local Planning Authority. The report shall contain details of the investigation, including detailed description of the extent, scale and nature of contamination (whether it originates from the site or not), an assessment of risks to potential receptors (as outlined in DEFRA Contaminated Land Statutory Guidance), a conceptual site model (devised in the desktop study), and all pollutant linkages. The assessment must be undertaken by a competent person in accordance with BS10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA ‘Model Procedures for the Management of Land Contamination - CLR

If any contaminant is found on the site during the investigation and assessment, no development shall take place until intrusive investigation (Phase II contaminated land assessment) is carried out to delineate the extent of the contamination and a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All approved remediation works must be implemented in their entirety prior to development commencing unless otherwise agreed in writing by the LPA

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

- 14 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the local planning authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports should be submitted to the local planning authority before the development is brought into first use.**

**Reason: to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction off any archaeological finds in accordance with the National Planning Policy Framework (2018) and Policy DM5 of the Development Management Document (2015).**

- 15 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage has been submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity and shall be reviewed after 9 months of the development. 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. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.**

**Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).**

- 16 No development shall take place, 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 construction**
- vi) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**

**Reason: This 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).**

- 17 Notwithstanding information submitted with this application the development shall not be brought into first use unless and until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and retained as such in perpetuity.**

**Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.**

- 18 Notwithstanding the information submitted with this application, no development shall be undertaken unless and until up-to-date protected species and habitats surveys for bats, badgers and reptiles and the measures to be taken should any protected species or habitats be found, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details.**

**Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.**

- 19 Site clearance works shall be undertaken outside of the bird nesting season (October to February) or if this is not possible then the site shall be surveyed by an ecologist before works commence. If nesting birds are found then work shall not commence until the young have fledged.**

**Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.**

- 20 The development shall be undertaken in accordance with the Arboricultural assessment and method statement undertaken by Barrell Tree Consultancy reference 18311-AA-AN dated 28<sup>th</sup> September 2018.**

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

- 21 Notwithstanding the information submitted with this application, the development shall not be first used unless and until a deliveries management plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in strict accordance with the approved management plan in perpetuity.**

**Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2018), Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).**

- 22 No development shall be undertaken unless and until full details of the right hand turn lane to be provided in Priory Crescent and the amended access to the site as indicatively shown on drawing 2238-CHE-110 Rev: B have been submitted to and approved in writing by the local planning authority. The approved right hand turn lane and access arrangements shall be provided before the development is brought into first use.**

**Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2018), Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).**

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order with, or without modification, no extensions or works to provide additional floorspace shall be carried out at the development hereby approved falling within Schedule 2, Part 7 Class A of that Order.**

**Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).**

- 24 Notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act (1990) as amended, no mezzanine floorspace shall be erected within the approved development unless express planning permission for such works has been previously granted.**

**Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties in accordance the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).**

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