

Reference:	19/00834/FULM	
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/fluviat 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 regeneration, 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 is 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 previously 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 in 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](http://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.**