

Reference:	18/01975/FULM	
Ward:	Shoeburyness	
Proposal:	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.	
Address:	Land at Barge Pier Road, Shoeburyness, Southend-on-Sea, Essex	
Applicant:	Garrison Developments LLP	
Agent:	Pomery Planning Consultants	
Consultation Expiry:	17.07.2020	
Expiry Date:	30.09.2020	
Case Officer:	Charlotte White	
Plan Nos:	NGR LOC d, NGR 08, NGR 09, NGR 06a, NGR 07, NGR 57c, NGR 51c, NGR52a, NGR 53b, NGR 61, NGR 58a, NGR 59a, NGR 60a	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	

1 Site and Surroundings

- 1.1 The application site is currently undeveloped, but includes a spoil heap (stockpiles of clean cohesive and non-cohesive soils from the Western Esplanade cliff stabilisation project). There is an existing spur from the roundabout to the north-east of the site providing access into the site. To the east of the site is Hinguar Primary School. The land to the immediate north and south of the site is undeveloped although planning permission has recently been granted for a food store to the site to the immediate north (reference 19/00834/FULM). To the west of the site are properties fronting Ness Road.
- 1.2 The site has no specific allocation within the Development Management Proposals Map, but the broad area of the application site is identified within the Core Strategy 'Key Diagram' as an industrial/employment area labelled 'Old Ranges'. The site is located within flood zone 3. The Garrison Conservation Area is located to the east of the site, starting on Chapel Road, in excess of 150m from the application site.

2 The Proposal

- 2.1 Planning permission is sought to retain the existing spoil heap on site and to re-grade the site, erect 9 commercial units (Class B1/B8) with an ancillary trade counter to Unit 6, erect 1 retail unit (unit 8) (Class A1), and 1 veterinary unit (unit 1) (Sui generis). B1 uses typically include business uses which can be carried out in a residential area without detriment to amenity such as offices, research and development and some industrial processes. B8 uses compromise storage and distribution uses. Unit 6 is proposed to include a trade counter which typically is a counter location attached to a commercial unit/warehouse, etc. where you can sell goods, usually to registered tradesman and businesses. The information submitted in this respect has stated that the trade counter would be ancillary, with 75% of the use B8 storage and distribution with the trade counter a subsidiary element. Vehicle and cycle parking will be provided, with vehicular and pedestrian access from the existing roundabout to the north-east of the site with associated landscaping.
- 2.2 The proposed units comprise:
- Unit 1 (to be used as a veterinarian clinic - sui generis) some 140sqm of floorspace. The building has a mono-pitched roof design with a maximum height of some 5m. The building measures some 10.6m x 15.9m. The materials proposed include a red brick base course and RAL 7016 Anthracite grey cladding with the piers clad in RAL 7047 Mid Grey. No details of the roof material have been provided.
 - Unit 2, 3, 4 and 5 (to be used for B1/B8 purposes) form a single building with parapets creating a flat roof design. The overall building measures some 61.5m x 13.7m. The central units (units 3 and 4) are larger and taller than the end units (units 2 and 5). Units 2 and 5 have a height of some 6.4m and units 3 and 4 a height of some 8.7m. Units 2 and 5 have floorspaces of some 141sqm and units 3 and 5 have floor areas of some 186sqm. All 4 units will have pedestrian and vehicular accesses into the building. Materials proposed includes a red brick base course, RAL 7016 Anthracite grey cladding with a red (RAL 3020) canopy above each pedestrian access. Metal sheet roofing is proposed which will be screened by the parapet proposed.
 - Unit 6 is to be used for B1/B8 purposes but also includes a trade counter reception area and has an overall floor area of some 241sqm. The building measures 19.8m x 13.7m with a height of 7.5m. Materials proposed include cladding (RAL 7016 Anthracite and RAL 7047 mid grey) with a red brick base course and red canopy.

Vehicular access into the unit is provided. Materials proposed includes a red brick base course, RAL 7016 Anthracite grey cladding with a red (RAL 3020) canopy above each pedestrian access. Metal sheet roofing is proposed which will be screened by the parapet proposed.

- Unit 7 (to be used for B1/B8 purposes) has a floor area of 328sqm, although the plans indicate that unit has the potential to provide an optional mezzanine level which would increase the floor space at the unit. The unit measures 26m x 14m with an overall height of 9.2m. The materials proposed include a red brick base course and RAL 7016 Anthracite grey and RAL 7047 Mid Grey cladding. Metal sheet roofing is proposed which will be screened by the parapet proposed.
- Unit 8 (to be used for Class A1 retail purposes) measures some 140sqm of floorspace. The building has a mono-pitched roof design with a maximum height of some 5m. The building measures some 10.6m x 15.9m. The materials proposed include a red brick base course and RAL 7016 Anthracite grey cladding with the piers clad in RAL 7047 Mid Grey. No details of the roof material have been provided.
- Unit 9 (to be used for B1/B8 purposes) measures some 933sqm and has 2 vehicular accesses and a separate pedestrian access into the unit. The unit measures 41.2m x 24.2m with a height of some 9.6m. Materials include cladding (RAL 7047 Mid Grey and 7016 Anthracite Grey), red canopy and red brick base course. Metal sheet roofing is proposed which will be screened by the parapet proposed.
- Unit 10 (to be used for B1/B8 purposes) is shown to have a floor area of some 330sqm, however, the plans suggest the unit could also benefit from an optional mezzanine level which would increase the floor area at the unit. The unit measures some 26.1m x 14m with a height of some 9.3m. There is vehicle and separate pedestrian access into the unit. Materials include cladding (RAL 7047 Mid Grey and 7016 Anthracite Grey), red canopy and red brick base course. Metal sheet roofing is proposed which will be screened by the parapet proposed.
- Unit 11(to be used for B1/B8 purposes) has a floor areas of 464sqm, although the plans indicate a mezzanine may be installed. The building has separate vehicular and pedestrian access. The building measures 26.1m x 19.5m with a height of 9.5m. The materials proposed include a red brick base course and RAL 7016 Anthracite grey and RAL 7047 Mid Grey cladding. Metal sheet roofing is proposed which will be screened by the parapet proposed.

2.3 In total, 111 parking spaces are provided across the site, including 15 accessible spaces for disabled users. A new access road will be provided from the existing roundabout to the north-east of the site and the layout includes the provision of an HGV sized turning head towards the south of the site. The parking spaces proposed are located in banks of around 8 spaces, situated close to the proposed buildings. Cycle parking areas are provided throughout the development, close to the proposed buildings with a total of some 36 spaces provided. Areas of landscaping are provided throughout the site.

2.4 The proposed spoil heap will be regraded across the entire site, raising the levels of the site evenly by some 0.5m.

2.5 The application has been submitted with a Design and Access Statement, Ecology Statement, Sequential Test Report, Geotechnical and Geo-Environmental Desk Study and Preliminary Site Work Findings Report, Hydraulic Modelling Statement, Flood Risk Assessment and Drainage Strategy, Planning Statement, Detailed Unexploded Ordnance Risk Assessment, Transport Statement, Waste Management Strategy and Noise

Assessment.

- 2.6 The plans indicate that there will be signage areas on each of the buildings and signage within the site. Such signage would be subject to separate advertisement consent requirements and does not form part of this assessment.

3 Relevant Planning History

- 3.1 15/02053/OUTM - Erect 172 dwellinghouses and 14,130sqm of Offices (Class B1(a) and Health Centre (Class D1) (outline application) (Amended Proposal) – outline planning permission granted 27th April 2016. *Reserved matters need to be submitted within 5 years of this permission. This proposal was for a larger site than the current proposal, but within the larger site, the employment area proposed was in a similar location to the commercial development hereby proposed.*
- 3.2 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 26 April 2011. *This permission is no longer extant.*
- 3.3 07/00366/FUL - Form access road from south of roundabout on Barge Pier Road; form flood alleviation ditch to east of Ness Road– planning permission granted
- 3.4 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 approved.
- 3.5 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.
- 3.6 19/00834/FULM - Remove existing spoil heap, erect retail food store and part culverting of existing drainage ditch, layout parking, hard and soft landscaping and associated access – Planning permission granted (this application related to land to the north of the application site).

4 Representations Summary

4.1 Public Consultation

The application was advertised in the press, a site notice was displayed and 97 neighbour

notification letters were sent out, with a second round of consultation undertaken recently due to the time that had lapsed since original submission. 143 letters of objection have been received which make the following summarised comments:

- Flooding concerns and concerns that the development would increase flooding to surrounding areas and dwellings and could impact insurance. The land was originally a soakaway/flood plain for the surrounding area and there is already flooding in the area/ on the site.
- Impact on environment.
- No need for commercial development – empty units in vicinity and Borough with nearby commercial units recently converted to residential due to lack of demand.
- Poor design. Eyesore and will impact visual amenity.
- Out of keeping with the Conservation Area and does not preserve or enhance the historic area and concerns relating to the impact on Grade II listed Buildings in the area.
- Concerns relating to size and scale, height, mass and density of the development.
- Out of keeping with the residential area.
- Highway safety concerns.
- Concerns that the 2015 permission allowed additional vehicle movements via New Barge Pier Road, not New Garrison Road.
- Lack of parking.
- Concerns relating to the access, an increase in congestion, traffic and road capacity and a lack of existing infrastructure and that the roads are too small and not suitable for HGVs. Impact existing junctions, including junction of Ness Road and Campfield Road. Increase on-street parking and damage to roads.
- Already insufficient school places and insufficient GP services.
- Concerns relating to the safety of the children at the nearby school, nursery and play area due to vehicles, HGVs and pollution. Safeguarding concerns.
- Evidence supplied is out of date and concerns relating to submission documents provided.
- The 2015 scheme was for lower offices and car parking which were less intrusive and concerns are raised relating to change from B1 uses in 2015 to A1 use.
- Residential amenity concerns including loss of light and overshadowing, poor outlook, noise, overbearing and out of scale.
- Overdevelopment.
- Incompatible with existing dwellings.
- Disruption.
- Object to any retail, restaurants, drive-throughs, fast food or and late-night establishments.
- Should use empty units in High Street instead.
- Pollution concerns.
- Concerns relating to deliveries.
- Impact resident's peace and quiet.
- Impact on local wildlife, protected species, SSSI and Nature Reserves.
- Loss of green natural beauty and loss of park area.
- Negative impact on health and well-being of local people.
- Concerns relating to the retention of the spoil heap which would raise the land levels.
- Insufficient landscaping proposed. Should be completely screened by trees.
- Negatively impact visitors to the area.

- Drainage concerns.
- Sewers already overloaded.
- Contrary to NPPF.
- Noise concerns.
- Air quality concerns.
- Concerns commercial units will be subsequently converted to residential.
- Concerns development will result in anti-social behaviour and increase crime and security concerns.
- Impact on views.
- Contamination concerns.
- Residential scheme would be better (with road improvements, school capacity, etc also).
- Community use would be better.
- Health care facility needed.
- Impact property values and concerns relating to developer's profits.

Officer Comment These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.2 The application is presented to the Development Control Committee for determination given that the proposal constitutes a major development, in accordance with the scheme of delegation.

4.3 **Highways Team**

Access

The proposal is accessed via New Garrison Road utilising the existing western arm of the roundabout which was previously constructed as part of the original planning approval. There is no objection to this access being used.

Highway Layout

The highway layout has ensured that vehicles can manoeuvre effectively within the site. Vehicle tracking for a 16.5m articulated lorry has been provided.

Parking

111 car parking spaces are to be provided which includes 15 disabled spaces. 36 cycle parking spaces are to be provided. The parking provisions for the site are considered to be acceptable and meet current parking policy standards. There are no objections to the parking provision for the site.

Highway Capacity

The applicant has provided a TRICS comparison for the previously approved scheme and the current proposal. This has demonstrated that the development would create a marginal increase of 6 vehicle trips in the am peak and 21 in the pm peak. This is considered to be acceptable and no highway objection is raised.

The site also benefits from being in a sustainable location with regard to public transport with bus, rail and cycle options in close proximity.

Given the above information and that contained within the comprehensive Transport Statement there are no highway objections to this proposal. It is not considered that the proposal will have a detrimental impact upon the public highway.

Should the applicant require to carry out any alterations to the public highway they will be required to enter into the appropriate highway agreement.

4.4 **Southend Airport**

At the given position and height, there are no safeguarding objections to the scheme.

4.5 **Anglian Water**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows

The sewerage system at present has available capacity for these flows via the wider site strategy as referenced in FRA 8.0 Sections whereby flows discharge via a private network and onto a downstream pumping station. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option

Anglian Water recommend conditions and Informatives are imposed on any grant of consent.

4.6 **Natural England**

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

European sites:- Benfleet and Southend Marshes Special Protection Area, Benfleet and Southend Marshes Ramsar, Essex Estuaries Special Area of Conservation, Foulness(Mid Essex Coast Phase 5) Ramsar and Special Protection Area:

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the above site(s) and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Benfleet and Southend Marshes Site of Special Scientific Interest, Foulness Site of Special Scientific Interest:

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these sites have been notified and has no objection.

4.7 **Drainage and Flooding Engineers**

No objection to this planning application subject to conditions being attached to any consent if this application is approved by the LPA.

4.8 **Environmental Health Team**

Environmental Health has no objection to the grant of planning permission subject to conditions relating to:

- Construction hours shall be restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or bank holidays.
- During construction and demolition there shall be no burning of waste material on site
- Hours of use are to be during working hours.

Recommended Informative:

Due to the proximity of the site to local residents a COPA (1974) sec 61 agreement with SBC will be required in order to control/mitigate construction noise and lorry movements effectively.

4.9 **Environment Agency (EA)**

No objections subject to conditions relating land contamination and flood risk. The Environment Agency also provide information in relation to waste management and the control of major accident hazards regulations.

4.10 **Archaeology**

There is evidence of Mesolithic settlement in the development area, which will require trial trenching and possibly a full excavation which can be secured via planning conditions.

4.11 **Fire Authority**

Raised no objection, but highlights that additional fire hydrants will need to be installed within the curtilage of the site.

4.12 **Health and Safety Executive (HSE)**

The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore, at present HSE does not need to be consulted on any developments on this site.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (2019) and National Design Guide (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 (Environment and Urban Renaissance) and CP6 (Community Infrastructure)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Historic Environment), DM10 (Employment Sectors), DM11 (Employment Areas) DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, residential amenity, traffic and transportation, ecology and biodiversity, flood risk, sustainable development objectives and the schemes CIL (Community Infrastructure Levy) contributions.

7 Appraisal

Principle of Development

- 7.1 Paragraph 80 of the NPPF states 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'
- 7.2 Policy KP1 of the Core Strategy states appropriate regeneration and growth will be focused within certain areas, including Shoeburyness to *'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...'*
- 7.3 Policy CP1 of the Core Strategy states *'Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities. Employment generating development should be located using a sequential approach in accordance with the spatial priorities and roles set out in Policies KP1 and CP2. Offices, retailing, leisure and other uses generating large numbers of people should be focussed in the town centre. Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration.'*
- 7.4 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'*.
- 7.5 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.'*
- 7.6 Policy DM11 of the Development Management Document 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, where this is feasible, to ensure the needs of businesses are met in accordance with market signals. This should take account of the location and type of business proposed to ensure land is used efficiently. Where appropriate, incubator/ seedbed centres and/or affordable workspaces will be sought. The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8.'* Table 8 identifies the Shoebury Garrison as an employment growth area, but the site

is not specifically allocated for employment purposes within the Development Management Proposal's Map.

- 7.7 The Employment Land Review (2010) states at paragraph 3.50 'The Garrison Phase 1 currently has several new units available for rent, which are of good quality and should be retained for employment uses. Part of the remaining Garrison Phase 2 area has been promoted to the SHLAA (CON 111) for residential use. The Core Strategy suggests an indicative job number of 1,500 for Shoebury, which would require approximately 4.3 ha of the allocation...for the Garrison Phase 2 area (11.27ha). The Garrison Phase 2 is one of the few employment land opportunities within the urban area and its future use is dependant on demand assessments...Overall the Garrison Phase 2 should be protected for employment use...' This is reiterated within the preamble to Policy DM11 of the Development Management Document.
- 7.8 The site is identified in the Southend-on-Sea Housing and Employment Land Availability Assessment (HELAA) (2018) as an employment opportunity site. The HELAA states at paragraph 5.67 that *'The site is considered suitable for a mixed-use scheme and there is no further information to suggest this site will not come forward within the next five years.'* The HEELA goes on to state, *'...the Combined Forecast for Southend would still result in a negative land requirement overall, but largely as a result of opportunities to contract industrial land supply and deliver additional office accommodation. Given the restructuring of some of the Research and Development (R&D) section it may be that there is still a requirement for more 'hybrid' space which combines B1 uses as well as some B8 space...this type of development would potentially require a more office type environment than a traditional industrial estate...despite the projected over-supply of manufacturing floorspaces and land in quantitative terms, there may still be a deficiency in terms of the qualitative need for floorspace and land at a particular scale or format which is currently not well provisioned in Southend or the South Essex area. Whilst the forecasts identify a reduction in the requirement for B2 employment land in the projection period, this does not necessarily mean there is not a continued requirement for the full portfolio of existing employment sites or the development of certain potential employment sites, if they meet Southend's qualitative employment need.'*
- 7.9 The information submitted with this application indicated that the proposal will provide some 3,206sqm of commercial floorspace across the 1.3 hectare site to provide B1 uses (offices, research and development and industrial processes) and B8 (storage and distribution) uses in addition to a single A1 retail unit and a single Sui Generis unit to be used as a veterinary practice.
- 7.10 Taking the above policy objectives and information contained within the HELAA (2018) into consideration, and taking account of the allocation of the site, the history of the site and the fact that no objection was previously raised to the provision of employment uses on this site, no objection is raised to the principle of the proposal to develop the site for commercial purposes included 9no B1/B8 units as well as a single A1 retail unit and a veterinary (sui generis) use. It is positive that the employment uses include a range of unit designs and sizes, catering for different needs of businesses. Planning conditions can be imposed on any grant of consent restricting the uses to those identified within the application without further express planning permission in the interests of amenity and to ensure the principle of the development remains acceptable.
- 7.11 Two of the units proposed would be used for non B use class purposes; a veterinarian practice and an A1 retail unit.

- 7.12 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.'*
- 7.13 The information submitted with the application states *'The Veterinary clinic and A1 use involve only a minor element of the proposal; however, they will employ people and reduce the need to travel. The A1 unit (Unit 8) is the subject of a pre-let agreement with Subway, a sandwich shop operator. The A1 unit is just 140sqm which will not impact on the viability and vitality of the Town Centre. The sandwiches and snacks sold will largely be for consumption off the premises and will cater for staff employment on the site and visitors to it. The veterinary practice is also pre-let and is proposed for Unit 1 on the site, which is also 140sqm. The practice will provide a veterinary service to the local community.'*
- 7.14 Policy DM11 of the Development Management Document states *'The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where:*
- A. the development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area...*
 - D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate's working population and will not result in a material change to the Class B character and function of the area.*
- 7.15 The proposed veterinary clinic is a sui generis use, which will employ people and is considered to be compatible with and will not compromise the operating conditions of the employment area in accordance with part A of Policy DM11. It is also noted, that at 140sqm this unit would constitute only approximately 4.4% of the overall floorspace hereby proposed.
- 7.16 The proposed A1 unit (proposed to be occupied by Subway) is considered to be a complementary and supporting use which is subservient and ancillary to the main employment use and which would serve the day-time needs to the estate's workers. As such this part of the development is considered to comply with part D of Policy DM11. It is also noted, that at 140sqm this unit would constitute only approximately 4.4% of the overall floorspace hereby proposed.
- 7.17 Whilst the applicant has not specifically demonstrated that there are no alternative sites suitable for the main town centre uses proposed within the town centre or a edge of centre location, on balance, given that the development complies with Policy DM11 of the Development Management Document and given the limited size and scale of the ancillary A1 and sui generis uses proposed, it is considered that the development would not result in any material harm to the vitality of the main Town and District Centres in the Borough. The development is acceptable and policy compliant in this respect.

7.18 There is therefore no objection to the principle of the proposal, subject to the detailed considerations, including design and parking implications which are discussed below.

Design and Impact on the Character of the Area

- 7.19 Paragraph 124 of the NPPF states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 7.20 Policy KP2 of the Core Strategy advocates the need for all new development to *"respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design"*. Policy CP4 of the Core Strategy states *"development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development."*
- 7.21 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.22 The proposed development includes a variety of sizes of units, to meet the differing needs of businesses, however, the units proposed have a cohesion across the site with similar designs and a similar material palette and detailing which is positive. The overall scale proposed is in commercial terms comparatively modest and acceptable, including because the site is removed from adjoining and nearby buildings.
- 7.23 The two northern units (units 1 and 8) which are most prominent have been designed to provide active frontages to all elevations which is positive. The units adjoining Barge Pier Road (including units 2, 3, 4, 5 6 and 7) provide no active frontage to this boundary. However, by reason of a no build zone, these buildings would be set back from the highway and can be significantly screened by vegetation. Subject to a condition requiring details of the landscaping to be provided no objection is therefore raised on this basis.
- 7.24 Within the site active frontages are provided to the new access road and the buildings are interspersed with parking and landscaped areas, resulting in a generally spacious character and preventing the development from being unduly dominated by hardstandings and parked vehicles.
- 7.25 The finishing materials proposed include grey cladding with red accent canopies. The Hinguar Primary School has similarly been finished in a contemporary cladding. The contemporary materials proposed for the development are considered acceptable in principle, and would not be out of keeping in the area, subject to a condition requiring samples to be submitted and approved by the local planning authority.
- 7.26 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special

architectural or historic interest which they possess and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

- 7.27 Given the distance; in excess of 150m of the site from the adjoining Shoebury Garrison Conservation Area, the scale and height of the proposed buildings and the intervening built form, it is considered that the proposal would not result in any material harm to the character, appearance or setting of this heritage asset. As such it would have a neutral impact in this regard. The site is significantly removed from any Listed Buildings and the development would not therefore materially harm the character or setting of any of the Listed buildings within the wider surrounding area.
- 7.28 Subject to conditions the development is considered acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.29 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 7.30 The proposed buildings are located approximately 29m from the rear boundaries of the nearest residential dwellings which are located to the west of the site. Given this degree of separation, the nature of the uses proposed, the overall size and scale of the development and the design which includes limited openings to the rear elevations of the units facing the dwellings to the west, whilst the neighbour concerns are noted, it is considered that the development would not result in any material harm to the adjoining and nearby occupiers in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing, a material sense of enclosure, overlooking or loss of privacy.
- 7.31 The application has been submitted with a noise assessment which concludes that worst case noise levels from site activity, car parking and access road traffic have been assessed at the residential properties closest to the development site (houses off Ness Road) and it is concluded that the technically assessed level of impact would be negligible/none. This assessment was undertaken on the basis of operating hours of 07:00 to 19:00. The assessment states operating hours outside these hours may not result in adverse effects, depending on the activity type and location of the unit. Should extended opening hours be required these can be considered on a site by site basis.
- 7.32 In terms of noise and disturbance, the previous outline application (reference 15/02053/OUTM) was permitted subject to a condition requiring details of the proposed operating days and hours of each unit to be submitted to and approved in writing by the local planning authority. This would allow each use in each unit to be individually assessed in relation to the final use proposed and its proximity to the neighbours which accords with the findings of the noise assessment submitted. Subject to a similar condition it is considered that the development would not result in any material harm to the adjoining residents in terms of noise and disturbance. It is also noted that the principle of providing employment uses in this location has already been considered acceptable.

- 7.33 Given that the site is not located within an Air Quality Management Area (AQMA), given the previous permissions granted on the site and given that the Environmental Health Team have raised no objections on this basis, it is considered that the proposal would not result in any material harm in terms of pollution or air quality.
- 7.34 A condition can also be imposed requiring details of any external lighting to be agreed prior to its installation, in the interests of the amenity of the nearby residents.
- 7.35 The application has been submitted with a waste management strategy which indicates that waste will be collected by a private contractor and recycled off site. Indicative areas for wheelie bins have been provided which will be screened where possible and positioned as far away as possible from the sensitive habitats around the site perimeter. Limited information has been submitted in this respect and there is a concern that some of the proposed locations for wheelie bins would be prominent. As such a condition will need to be imposed on any grant of consent requiring full details in this respect. Subject to such a condition no objection is raised on this basis.
- 7.36 The development is acceptable and policy compliant in the above respects and no objection is raised on this basis.

Traffic and Transportation Issues

- 7.37 Policy DM15 of the Development Management Document requires the provision of appropriate off-street parking for proposed developments. The adopted parking standards provide maximum standards for commercial proposals of this nature. B1 uses are required to provide a maximum of 1 parking space per 30sqm, B8 uses, 1 space per 150sqm and A1 food uses are required to provide a maximum of 1 space per 14sqm. There are no specific parking standards for sui generis veterinary practices.
- 7.38 The information provided with the application indicates that the A1 unit will have 140sqm floorspace and therefore requires a maximum of 10 spaces. It is stated that there will be 1463sqm of B1(c) light industry use, requiring a maximum of 49 spaces and 1463sqm of B8 (storage and distribution) use, creating a maximum requirement of 10 parking spaces. As such there is a requirement for a maximum of 69 spaces (plus an additional requirement for the veterinary practice). This proposal seeks to provide 111 parking spaces, including 15 accessible spaces. Whilst the parking spaces proposed exceed the maximum requirement, on balance, it is not considered that this would undermine the principles of sustainable transport and the strategic move towards reduced reliance on the private car. As such the parking provisions are considered adequate for the proposed development. The Highways Team have raised no objection to the parking provisions proposed. The development is acceptable and policy compliant in this respect.
- 7.39 The minimum cycle parking standards required for A1 food shops is 1 space per 400sqm for staff and 1 space per 400sqm for customers. The A1 element therefore requires a minimum of 2 cycle parking spaces. The standards require 1 space per 100sqm of B1 floorspace for staff and 1 space per 200sqm of B1 floorspace for visitors. As such, the B1 part of the proposal requires the provision of a minimum of 23 spaces in this respect. B8 uses require 1 cycle space per 500sqm for staff and 1 space per 1000sqm for visitors. The B8 part of the proposal therefore requires the provision of 5 cycle spaces. Excluding the veterinary practice which has no specific cycle parking standard the development therefore requires a minimum of some 30 spaces. This development seeks to provide 36 cycle spaces, which is considered adequate to also meet the needs to the proposed

veterinary practice. From the information submitted it is not clear that the cycle spaces will be secure and covered, however, this appears to be capable of being accommodated within the site layout and full details in this respect can be secured via a planning condition.

- 7.40 It is noted that a number of the units have been shown to have possible mezzanine levels which would increase the parking and cycle parking requirements. As such, to ensure that sufficient parking is maintained at the site a condition is recommended on any grant of consent, notwithstanding the information submitted, that no mezzanine levels should be created without the prior grant of express planning permission by the local planning authority.
- 7.41 The application has been submitted with a Transport Statement which states that swept path analysis demonstrates that articulated HGVs would be able to access, egress and turn in the site. The Transport Statement concludes that the development would result in a modest increase in traffic and is acceptable in respect of its impact on the capacity of the highway.
- 7.42 The Highways Team has raised no objection to the proposed access into the site, comments that the highway layout is acceptable, provides acceptable parking provisions and comments that the development would result in a marginal increase in vehicle trips which is acceptable from a highway capacity perspective. The site is sustainably located in terms of public transport and cycle options. The Highways Team therefore raise no objection to the proposal, concluding that the development would not be detrimental to the public highway.
- 7.43 It is noted that a number of neighbours have raised concerns that the development proposed would be accessed via New Garrison Road, rather than New Barge Pier Road and concerns are raised that this is different to the access arrangements agreed within the 2015 permission (reference 15/02053/OUTM). However, access for the offices and health centre in the 2015 scheme was from New Garrison Road, with the residential units accessed from New Barge Pier Road.
- 7.44 The development is acceptable and policy compliant in the above regards.

Sustainable Construction

- 7.45 Policy KP2 of the Core Strategy states that *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide”*.
- 7.46 No information has been submitted in this regard, however, a condition can be imposed on any grant of consent in this respect.

Flood Risk

- 7.47 Policy KP1 of Core Strategy states that all development proposals within flood risk zone *“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.”

- 7.48 The information submitted with this application states that the Shoeburyness area is at risk of residual flooding in the event of an overtopping event and breach in the flood defences. The Flood Risk Assessment submitted states that the application site benefits from flood defences ranging from 6.0m AOD to the south of the site to a low of 5.04m AOD to the west of the site.
- 7.49 The information submitted with the application states *‘Following completion of the Flood Alleviation Ditch (River Shoe, Ditch C-X), the northern reach of the Barge Pier Ditch within the site was in filled and its flows diverted into the Flood Alleviation Ditch. The flood alleviation ditch now conveys runoff from the 52ha urban catchment to the north of the site in a southerly direction, under the secondary flood defence bund/Barge Pier Road before discharging into Barge Pier Ditch to the south of the flood defence bund and eventually to the Thames Estuary. Barge Pier Ditch currently starts along the eastern boundary of the proposed site and is now used as a linear pond which attenuates a large proportion of the surface water runoff from the Shoebury Garrison site up to the 1 in 100 year plus climate change event before discharging into the Thames Estuary.’*
- 7.50 The Environment Agency (EA) confirm that the site is located within Flood Zone 3a with a high probability of flooding. The 11 commercial units proposed are classified as ‘less vulnerable’. As such the development is required to pass the Sequential Test and be supported by a site-specific Flood Risk Assessment. The EA comment, in terms of actual risk, that 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 and the defences will continue to offer protection over the lifetime of the development, provided that the TE2100 policy is followed and the defences raised in line with climate changes, which is dependant on future funding.
- 7.51 In terms of residual risk, the EA comment that the site could experience breach flood depths of up to 4-5m during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 4-5m during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2110). The EA state that 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 are proposed at 3m AOD. This is below the 1 in 200, 0.5% annual probability breach flood level including climate change and therefore the development would be at risk of flooding by 3.5m depth in this event. There is no refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change of 6.5m AOD. The EA state that a flood evacuation plan has been proposed and is necessary to ensure the safety of the development.
- 7.52 The sequential report submitted considers alternative locations for a similar development to that hereby sought within the Shoeburyness area. It considers allocated sites, considers the information within the annual monitoring report, other commercial sites and any windfall sites as well as sites with planning permission. The report concludes that this evidence base *‘supports the conclusion that there are no reasonably available sites or combination of sites in the Shoeburyness area, which complies with current policy and would support the size of development within the timeframe proposed.’*

- 7.53 The application site falls within the Seafront Boundary under Policy KP1 of the Core Strategy. This area is promoted as an area for regeneration and growth. The preamble to KP1 notes there are limited options to achieve regeneration and growth within the Borough and that development on flood plains would be considered. Policy KP1 directs development into the area in which the site falls. This policy was adopted following the Thames Gateway South Essex Partnership Strategic Flood Risk Assessment. It is considered further development in this area is acceptable in principle subject to a site specific investigation. Given this and given the findings of the Sequential report submitted, the proposal is considered to pass the requirements of the sequential test.
- 7.54 The commercial use proposed constitutes a less vulnerable use which is an appropriate use in flood zone 3a. As such the exceptions test does not need to be applied to this development. However, flood resistant and resilient measures are proposed, including the development platform being raised to 3.0m AOD which, whilst not fully protecting the development from a breach or overtopping event, would allow the development to recover and come back into operation more quickly whilst also not impacting on flooding elsewhere. Other flood resilience measures proposed include the buildings being designed with resilient materials, with all electrical, services and ventilation entry points located as high as practical, using materials with good drying qualities, designed for water to drain away after flooding and use internal cement based renders. The submission also identified that safe access and egress for the development can be provided via New Garrison Road, Chapel Road and St George's Lane.
- 7.55 Given the above information, given that planning permission has previously been granted to develop this site for commercial purposes, given that the proposed use constitutes a 'less vulnerable use' and given that the site has been sequentially tested via a Strategic Flood Risk Assessment and identified as suitable for employment purposes in Shoeburyness which is an area identified for regeneration and growth, it is considered that the development passes the sequential test.
- 7.56 In terms of drainage, the submitted FRA states due to the existing ground conditions drainage infiltration techniques are not suitable for the site. The FRA states that, to reduce flood risk and mitigate against any residual risk, the proposal will include *'The integration of SuDS to restrict the runoff from the site to that of the pre-development Greenfield rate and to provide attenuation for storm events up to 1 in 100 year (plus 40% climate change).'*
- 7.57 The submitted FRA states *'In line with the approved drainage strategy for the overall Shoebury Garrison site (which obtained approval in March 2003), the proposed surface water strategy will discharge surface water from the proposed trade park development into Barge Pier Ditch to the east of the site, at Greenfield rates.'* It is stated that attenuation could be provided within the parking areas in the form of sustainable drainage systems including attenuation tanks and permeable paving.
- 7.58 The Council's Drainage and Flooding Engineers have raised no objection to the proposal, subject to conditions. Subject to such conditions no objection is raised on this basis.
- 7.59 In summary, subject to conditions, whilst the neighbours concerns are noted, it is not considered that the development would result in any material harm in flood risk terms.

Ecology and biodiversity

- 7.60 Chapter 15 of the NPPF states that the planning system should contribute to and enhance the natural environment including protecting biodiversity. Planning decisions must therefore prevent unacceptable harm to biodiversity and impose adequate mitigation measures where appropriate. The site itself has no ecological designation.
- 7.61 The application has been submitted with an ecology statement which considers the previous applications on the site, and the previous ecology reports undertaken before considering this proposal and makes a number of recommendations including:
- The development must consider specific landscape design favourable to protected species such as the use of nectar rich and year round flowering species, the use of climbing plants, favour local native species, incorporate neutral grassland to mitigate the loss of grassland.
 - Opportunities for ecological enhancements, the creation of neutral, unimproved grassland, reptile log pile creation and bird and bat box installation.
 - The site has previously been identified as having an exceptional population of common lizard and has the potential to hold a low population of grass snakes. A 90 day trapping programme will be required for the exceptional population of common lizards with the reptiles translocated to the approved receptor site – Stable Field, Chelmsford, owned by Chelmsford City Council through the Chelmer Valley Nature Reserve. The Council has confirmed they are committed to its long term management. The receptor site will provide all the habitat requirements for common lizards and allow the population to grow.
- 7.62 Subject to conditions requiring the development to be undertaken in accordance with the recommendations and conclusions of the above ecology report and requiring landscaping details and bird and bat boxes, no objection is raised to the development on this basis. It is also noted that Natural England has raised no objection on this basis.
- 7.63 The proposal is acceptable and policy compliant in the above respects.

Contamination and Major Hazard Matters

- 7.64 Policy DM14 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 as part of the application to identify any risks to human health, the natural environment or water quality; and*
 - (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 the applicant undertake 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.*
- 7.65 The application has been submitted with a summary of Geotechnical and Geo-environmental desk study and preliminary site work findings report which states that ground investigation works undertaken to date include excavation of 20 machine dug trial pits to a maximum depth of 3.9m. No evidence of significant contamination was found during the site investigations. There is little evidence to suggest that the site may be

significantly contaminated from historic on-site land uses. Potential on-site sources of ground gas are deemed to exist. As such the report recommends that further phase 2 investigation works are undertaken. Subject to a condition in this respect, the development is acceptable and policy compliant in the above regards.

- 7.66 The application has been submitted with a detailed unexploded ordnance risk assessment which makes a number of recommendations in respect of unexploded ordnance on the site. Subject to a condition requiring the development to be undertaken with the recommendations of this report no objection is raised on this basis.
- 7.67 The Environment Agency (EA) have commented, in relation to the control of major accident hazards regulations (COMAH) that the proposed development is approximately 330m from a permitted facility regulated by the EA under an environmental permit for a Low Impact Installation (Towerfield Plating & Anodising, Towerfield Close, Towerfield Industrial Estate, Shoeburyness, Essex, SS3 9Q – activity includes use of inorganic chemicals; using mercury/cadmium and compounds). The EA state that the site is also approximately 1300m from a facility notified under COMAH (Control of Major Accident Hazards Regulations) as an Upper Tier COMAH establishment (The QuinetiQ Limited MOD Shoeburyness facility on Blackwater Road which activities include chemical installations – storage and warehousing and chemical manufacturer/production and or disposal). As such, the Health and Safety Executive (HSE) have been consulted on the application. The HSE have commented that the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline and therefore have no comments on the application. As such, the development is considered acceptable in this regard.

Community Infrastructure Levy (CIL)

- 7.68 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 approximately 3,206sqm, which may equate to a CIL charge of approximately £41,184.77 (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 development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The development is acceptable in principle, is of an acceptable design, would not materially harm residential amenity or cause unacceptable levels of pollution, would not materially harm traffic, parking or highways conditions and is acceptable in flood risk, sustainability and ecology terms. This application is therefore recommended for approval subject to conditions.

9 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to 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 hereby permitted shall be carried out in accordance with the approved plans: NGR LOC d, NGR 08, NGR 09, NGR 06a, NGR 07, NGR 57c, NGR 51c, NGR52a, NGR 53b, NGR 61, NGR 58a, NGR 59a, NGR 60a

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence above a ground floor slab level unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site, including facing materials, roof detail and windows and doors, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved materials, details and specifications before the development hereby approved is brought into first use.

Reason: To safeguard character and appearance of the area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development shall take place above ground floor slab level unless and until there has been submitted to and approved in writing 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.

All planting and biodiversity enhancements in the approved scheme shall be carried out within the first available planting season following first use of the development hereby approved. Any 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 the amenities of occupiers 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 Design and Townscape Guide (2009).

05 The development shall not be first occupied unless and until vehicle manoeuvring

areas and 111 on site car parking spaces have been provided and made available for use in full accordance with drawing NGR06a. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

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

- 06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development above ground floor slab level shall be undertaken unless and until full details of the secure, covered cycle parking for no less than 36 cycles have been submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided in full and made available for use for the development prior to the first use of the development hereby approved and be retained as such in perpetuity.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, DM3 and DM15 and the guidance contained in the Design and Townscape Guide (2009).

- 07 No part of the development hereby approved shall be first occupied or brought into first use unless and until a waste management plan which includes full details of refuse and recycling storage and servicing arrangements has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall be carried out solely in accordance with the approved details from the first use of the development.

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

- 08 None of the Individual unit hereby approved shall be first occupied or brought into first use unless and until full details of the operating and opening times of that unit have been submitted to and approved in writing by the local planning authority. Each unit shall subsequently be operated only in full accordance with the details approved under this condition.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), 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 and operated 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 the safety and amenities of the area, and to protect the

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

- 10 CCTV shall only be installed and operated 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: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 11 Prior to first use of the development hereby approved a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full. This provision shall be made for the lifetime of the development.

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

- 12 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

- 13 Commercial refuse collection and delivery times for the development hereby approved shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

- 14 Notwithstanding the information submitted and otherwise hereby approved and notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act (1990), as amended, or any provisions amending, revoking or re-enacting that section no mezzanine floorspace shall be constructed within any unit within the approved development unless express planning permission for such works has previously been granted.

Reason: To enable the Local Planning Authority to regulate and control the development in the interests of amenity of neighbour properties and to ensure that sufficient parking and cycle parking is provided in accordance with the National

Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 15 The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment and Drainage Strategy undertaken by Ardent dated August 2018 reference H523-01A, including the flood resistance and resilience measures at paragraphs 6.18-6.19 of the strategy, before the development is brought into first use. The development shall thereafter be managed in accordance with the approved measures. Finished ground floor levels in the development shall be set no lower than 3.00 metres above Ordnance Datum (AOD).

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

- 16 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Ecology Statement undertaken by D F Clark Bionomique Ltd dated 22 March 2018 reference DFCEP3398, including the mitigation measures set out on pages 16-18 of the statement.

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 No development above ground floor slab level shall be undertaken unless and until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and be retained as such in perpetuity.

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 No development shall take place, until and unless 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 noise, dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the

Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 19** Prior to first occupation and first use of the development hereby approved, a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage shall be submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

20 Decontamination

A. Site Characterisation

No development other than demolition shall take place until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

B. Submission of Remediation Scheme

No development other than demolition shall take place until and unless a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the

effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

E. Long Term Monitoring and Maintenance

E1) No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.

E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

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

- 21 No drainage infrastructure associated with this consent shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the local planning authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be retained as such thereafter.**

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

No development or preliminary groundworks of any kind shall take place unless

22 and until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work and reasonable notification to the local planning authority when the work will be undertaken. The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings shall be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme and recommendations within the report carried out. Copies of the written report of the investigation and findings must be sent to Southend Borough Council.

Reason: A pre commencement condition is needed to avoid damage to archaeological remains on site as set out in the National Planning Policy Framework (2019), Core Strategy (2007), Policies KP2 and CP4, Development Management Document (2015) Policies DM1, Dm2 Design and Townscape Guide (2009).

23 Unit 1 hereby approved, as identified on plan number NGR 06a, shall only be used as a Sui Generis veterinary practice and shall not be used for any other purpose as defined on the date this application was submitted. Unit 1 shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

24 Unit 8 hereby approved, as identified on plan number NGR 06a, shall only be used for purposes falling within use class A1 as defined under the Town and Country Planning (Use Classes) Order 1987 on the date this application was submitted. Unit 8 shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3

of the Southend-on-Sea Development Management Document (2015).

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Units 2, 3, 4, 5, 6, 7, 9, 10 and 11 hereby approved, as identified on plan number NGR 06a, shall only be occupied for purposes falling within Use Classes B1 or B8 as defined under the Town and Country Planning (Use Classes) Order 1987 on the date this application was submitted. Units 2, 3, 4, 5, 6, 7, 9, 10 and 11 shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea 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** 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.
- 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** Should the applicant require to carry out any alterations to the public highway they will be required to enter into the appropriate highway agreement
- 4** During construction and demolition there shall be no burning of waste material on site

- 5 Due to the proximity of the site to local residents a COPA (1974) sec 61 agreement with SBC will be required in order to control/mitigate construction noise and lorry movements effectively.**
- 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 The applicant is advised that any proposed advertisements could require separate advertisement consent.**
- 8 The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.**