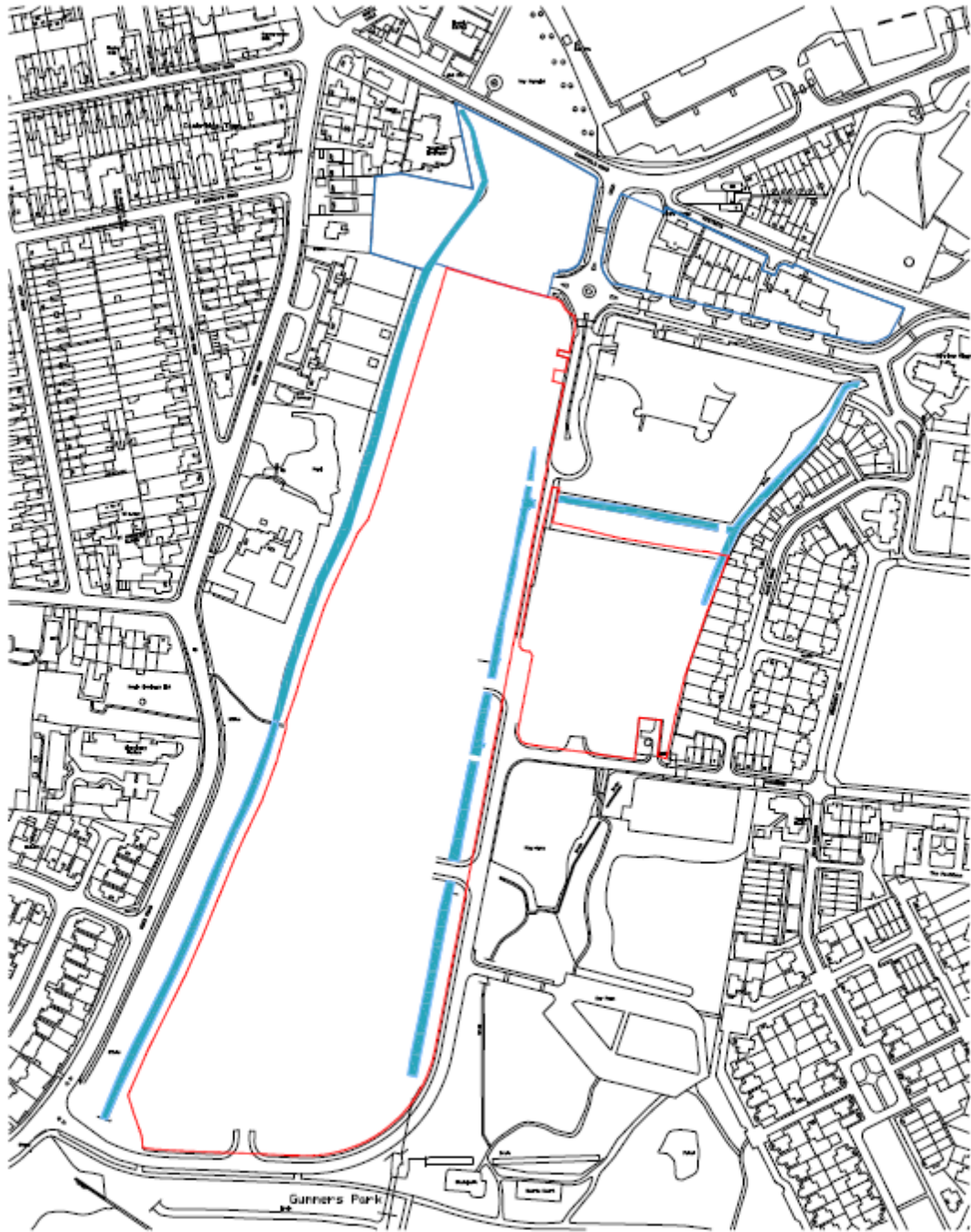


Reference:	20/01227/OUTM	
Application Type:	Outline Application Major	
Ward:	Shoeburyness	
Proposal:	Erect up to 214 residential units (Use Class C3), provision of a new health centre up to 1000sqm (Use Class D1), up to 400sqm of retail floorspace (Use Class A1-A3), land raising, all associated car parking, new foot and cycle paths, public open space, landscaping and ancillary works and infrastructure, install vehicular access off Barge Pier Road, New Garrison Road and Magazine Road (Outline Application)	
Address:	Land Between Barge Pier Road and Ness Road, Shoeburyness	
Applicant:	Mr Paul Denney Wilkinson	
Agent:	Mrs Claire Wilkinson of Lanpro Services	
Consultation Expiry:	10th September 2020	
Expiry Date:	16th December 2020	
Case Officer:	Charlotte White	
Plan Nos:	<p><i>Plans</i></p> <p>032-S2-P502-B, 032-S2-P503-B, 032-S2-P504-B, 032-S2-P505-B, 032-S2-P506-B, 032-S2-P201-H, 032-S2-P403-E, 032-S2-P402-E, 032-S2-P401-D, 032-S2-P202-H, 032-S2-P501-B, 032-S2-P202-H, 032-S2-P200-H, 032-S2-P002-G, 032-S2-P001-C, 032-S2-P001-J, 032-S2-P003-H, 032-S2-P201-H, 032-S2-P203-H, 032-S2-P204-H, 2166-00-20-B</p> <p><i>Supporting Information</i></p> <p>Cover Letter Ref. 2166, Environmental Statement by Lanpro dated July 2020, Ardent, Hydraulic Modelling Note dated 10 October 2019 ref 195320-04, Hydraulic Modelling Note by Ardent dated September 2019 ref. 185320-02 Flood Risk Assessment by Ardent dated July 2020 ref. 185320-01B, Sitewide Landscape Strategy Dated July 2020 ref. 2166-30-02, Habitats Regulation Assessment by the Landscape Partnership dated July 2020 ref. E20841, Heritage Statement by Lanpro dated May 2020 ref. 2166, Landscape Visual Impact Assessment by Proworks dated July 2020 ref. 2166-60-01-B, Hydraulic Modelling Note by Ardent dated 09 March 2020 ref. 185320-06, Detailed Unexploded Ordnance Risk Assessment by MACC dated 11/05/2020 ref. 6503 v.1.0, Transport Statement by Intermodal Transport dated July</p>	

	<p>2020 ref. IT1971_TS_22.07.20_Issued, Statement of Community Involvement by Lanpro dated July 2020, Assessment of Potential Impacts on Sites of Special Scientific Interest by D F Clark Bionomique Ltd dated 16 June 2020 ref. DFCP 3398, Sequential and Exceptions Tests by Lanpro dated June 2020, Health Impact Assessment by Lanpro dated June 2020, Preliminary Appraisal of Invertebrate Habitats by Colin Plant Associates dated 5 May 2020 ref. CPA-20133, Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment by Sue Slaven dated July 2020 ref. P0120/R01 Issue 3, Noise Assessment by Sharps Gayler LLP dated 23 July 2020, Preliminary Ecological Report by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCP 2298-12, Arboricultural Impact Assessment by D F Clark Bionomique dated 27th ay 2020 ref. DFCP 3398, Breeding Bird Survey by D F Clark Bionomique Ltd dated 23 July 2020 ref DFCP 3398, Botany Survey by D F Clark Bionomique Ltd ref. DFCP 3398 dated 8 June 2020, Archaeological Desk-based Assessment by Lanpro dated June 2020, Air Quality Screening Assessment by WYG dated July 2020 ref. A117624, Daylight, Sunlight and Overshadowing Assessment by WYG dated July 2020 ref. A117624, Design and Access Statement by Stolon Studio dated 22 July 2020 rev. D, Proposed Foul, Surface water & SuDS Drainage Strategy (2020) by Ardent dated July 2020 ref. 185320-07A, Hydraulic Modelling Note by Ardent dated 28 November 2019 ref, 185320-05, Flood Response Plan by Ardent dated July 2020, ref. 185320-08B, Botanical Survey Landscape Partnership dated 28th July 2020 ref. E20841, Bat Activity Survey Report by D F Clark Bionomique Ltd dated 16 July 2020 ref. DFCP 3398, Great Crested Newt and Mammal Report by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCP 3398, Planning Statement by Lanpro dated July 2020, Sustainability Statement by WYG dated July 2020 ref. A1182249, Travel Plan dated July 2020 ref. IT1971TPF_22.07.20_Issued, Bat Activity Survey Report dated 21st October 2020 ref. DFCP 3398, Viability Report by Strutt and Parker dated 14th October 2020</p>
<p>Recommendation:</p>	<p>Members are recommended to <i>DELEGATE</i> to the Interim Director of Planning or Group Manager of Planning & Building Control to <i>GRANT PLANNING PERMISSION</i> subject to <i>CONDITIONS</i> and the completion of a <i>PLANNING AGREEMENT</i> under section 106 of the Town and Country Planning Act 1990 (as amended)</p>

0. All access to be in accordance with relevant British standards and manufacturer's recommendations and specifications.
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Rev C, 22/07/2020 - Boundary amended	
Rev B, 06/07/2020 - Boundary & west path amendments	
Rev A, 27/05/2020 - Planning issue	
Stolen Studio Ltd Kaelin Court London SE23 1AA 020 3355 4932 mail@stolen.uk	
Drawing	1:2500 w/A2
Site & Location Plan	27th April 2020
Project	032-S2-P001
032 Shoeburyness	C

1 Site and Surroundings

- 1.1 The application site consists of 2 parcels of land totalling some 8.51ha; the larger of the two is some 7.1 hectares and is located to the west of New Barge Pier Road and the smaller site is located to the east New Barge Pier Road and is some 1.4 hectares. The site is undeveloped, but there are existing access points into the site. The site is relatively flat lying at 1-3m AOD (Above Ordinance Datum). The larger part of the site is roughly rectangular in shape and is located to the south of a site that has recently been granted planning permission for the construction of a new food store (ref. 19/00834/FULM) which is currently under construction and to the east of dwellings in Ness Road. The land to the south of the site is undeveloped and known as Gunners Park. To the east of the site, is the smaller application site, as well as parks and Hinguar School, and there are residential dwellings beyond. The smaller part of the application site is located to the south of Hinguar School, to the north of the play area and adjacent to the rear gardens of dwellings in Ashes Road.
- 1.2 The wider surrounding area is mixed. To the west and east of the site it is predominately residential. The housing to the east of the site is relatively new and was developed as part of the Garrison redevelopment (ref. 00/00777/OUT). To the north of the site there are commercial uses whilst the land to the south is undeveloped and is subject to a number of European protection designations.
- 1.3 The Shoebury Garrison Conservation Area is located a minimum of some 120m to the east of the site; with the boundary running along Boundary Way, Magazine Road and St George's Lane. There are a number of listed buildings within the Conservation Area. The nearest listed buildings to the east of the application site include the Grade II listed buildings which comprise Blocks A to G at The Terraces and the Garrison Church of St Peter and St Paul. To the west, the closest listed buildings include the Grade II listed South Shoebury Hall Farmhouse and Garden House, with the Grade II* Church of St Andrew beyond. There are also locally listed buildings to the west, including 135 Ness Road, 121 Ness Road and 109 Ness Road. To the north of the site is the Grade II listed Shoeburyness War Memorial. There is a Scheduled Monument to the east of the site: the 'Danish Camp' prehistoric settlement. There are no Tree Preservation Orders (TPOs) on the site.
- 1.4 The land to the south of both parts of the application site is allocated as 'Protected Green Space' with the land to the immediate south of the main part of the site also designated as a Local Wildlife Site (LWS), Site of Special Scientific Interest (SSSI) and Local Nature Reserve. Further south, this part of the Estuary constitutes a SSSI, Special Protection Area (SPA), RAMSAR and Local Nature Reserve.
- 1.5 The larger, western part of the site is bound by Barge Pier Ditch to the east and New Barge Pier Road to the south and by the River Shoe/flood alleviation ditch (C-X Ditch) to the west. There are no public rights of way on the site, however, there are two footpaths running through the site. The first runs north-south from New Barge Pier Road to Campfield Road along the western site boundary, which largely falls outside the site. The other runs east-west between Ness Road and Magazine Road.
- 1.6 The application site has no specific allocation within the Development Management Document Proposals Map. Within the Core Strategy Key Diagram, the general location of the application site is allocated as an Industrial/Employment Area. The Key Diagram also allocates the site to provide a primary care centre. According to the Environment Agency Flood Maps, the entire site is located within Flood Zone 3.

2 The Proposal

- 2.1 Outline planning permission is sought for a mixed development of up to 214 residential units (Use Class C3), the provision of a new health centre up to 1,000sqm (Use Class D1), up to 400sqm of retail floorspace (Use Class A1-A3), land raising, all associated car parking, new foot and cycle paths, public open space, landscaping and ancillary works and infrastructure and to install vehicular accesses off Barge Pier Road, New Garrison Road and Magazine Road. The application also seeks approval of matters relating to access and landscaping with matters relating to appearance, layout and scale reserved for later consideration.
- 2.2 Whilst this proposal seeks to provide A1-A3 commercial uses and D1 health centre, it should be noted that from 1st September 2020, changes to the Use Class Order result in Classes A1/A2/A3 and D1 now falling within a new combined Class E. However, for any planning application submitted before 1 September 2020 (this application was submitted 29th July 2020), the Use Classes in effect when the application was submitted should be used to determine the application.
- 2.3 Whilst layout, scale and appearance are reserved matters for later consideration, both indicative and parameter plans have been submitted with the application. No weight is afforded to the indicative plans given the outline nature of the application. The parameter plans carry more weight as they indicate the parameters and limits of the development hereby sought and can be conditioned, should the application be recommended for approval.
- 2.4 The applicant states that the concept of the proposal is to create 4 distinct areas (called 'home zones') to provide 115 flats and 99 houses; a total of up to 214 residential units. The applicant states that it is also proposed to provide a 1,000sqm health centre (D1) and commercial spaces envisioned as a pharmacy and café (A1-A3). The applicant indicates that the development is intended to be set within a garden landscape, with the new dwellings developed to be environmentally friendly, sustainable, low-energy and resilient to flooding and climate change.
- 2.5 Details of the 4 'Home Zones'

Home Zone 1

- Located to the south of the site on western parcel of land.
- Largest home zone proposed in terms of area and has most dwellings proposed.
- Apartments facing the sea.
- 2x accesses: one from the south and one from the east (both from New Barge Pier Road).
- Scale: 2-5 storeys.
- 45 houses and 57 flats proposed.
- 204 parking spaces proposed.

Home Zone 2:

- Centre of the development on the western parcel of the site.
- Accessed from New Barge Pier Road.
- Mainly houses with 1x block of flats.
- Scale 2-4 storeys
- 34 houses and 12 flats proposed.
- 84 parking spaces proposed.

Home Zone 3

- Eastern part of the site.
- Accessed from new access off New Barge Pier Road.
- Mainly houses with 2x blocks of flats.
- Scale 2-4 storeys
- 20 houses and 20 flats proposed.
- 73 parking spaces proposed.

Home Zone 4

- Northern part of the site.
- Accessed from New Garrison Road.
- Mix uses – Health Centre Class (D1) and commercial (Class A1-A3) uses as well as residential flats.
- Includes a raised deck for safe refuge.
- Scale 3-4 storeys.
- 26 flats proposed.
- 44 residential parking spaces proposed and 94 non-residential parking spaces proposed.

Residential part of the proposal

2.6

The residential part of the proposal is for the provision of up to 214 dwellings, including 30% affordable units. Whilst layout, scale and appearance are reserved matters for later consideration, the indicative plans submitted and the information provided with the application states that the layout would comprise four residential ‘home zone’ areas. It is stated that each ‘home zone’ will define a different section of the site, with each zone having its own character and with each ‘home zone’ set atop a graded sloped landscape at +3.00m AOD up to +6.10m AOD. The information submitted states *‘Home Zone 1 is the largest of the four home zones covering approximately 1.8 ha and proposes some 102 residential units, resulting in a housing density of 57 dwellings per hectare (dph). Home Zone 2 covers 0.9 ha and will provide 46 residential units, resulting in a housing density of 51 dph. Home Zone 3 extends to 0.84 ha and consists of 40 residential units having a density of 50 dph; and Home Zone 4 covers a site area of 0.44 ha and proposes 26 residential units, resulting in a housing density of 59 dph. Overall, the average density is 53 dph.’* The Design and Access Statement confirms that the houses proposed will be a mixture of detached, semi-detached and terraced houses.

2.7

Whilst scale is a reserved matter, the heights and levels parameters plan provided indicates that each ‘home zone’ area will have buildings of varied heights, with the scale ranging from 2 storeys with a ridge height of some 14.9m Above Ordinance Datum (AOD) to up to 5 storeys with a ridge height of up to some 23.9m AOD. In this respect the information provided indicates that the majority of the houses proposed will be 2-3 storeys. The applicant states *‘Because the garage levels are located at 3.0m AOD the majority of the 3 storey houses are similar in height to those in the surrounding area, ridge heights of approx. 14m AOD compared to between 10m and 15.5m in the surrounding houses. Where the development meets the properties along Ashes Road...we have proposed cottage style homes which have lower eaves and ridge heights...The apartment blocks vary in height with ridge heights of between 14.0m and 23.9m. The tallest minority of the development are seen as an architectural celebration of the meeting with Gunners Park. However, the majority (70%) have a ridge height of less than 16.5m, which is comparable with the maximum ridge heights on Ness Road and blocks on Magazine Road.’* The Design and Access Statement indicates that ‘home zones’ 1 and 2 will have a higher number of town houses set over 3 storeys with garages and main entrances located at +3m AOD and the reception rooms at +6.5m AOD to provide direct access to the rear gardens. It is stated that most of the houses within the upper level would be 2 storeys and of a similar overall height to the town houses.

2.8 The following dwelling mix is proposed:

Unit Type	Home Zone 1	Home Zone 2	Home Zone 3	Home Zone 4	Total
HOUSES					
5-bed/6person	6	4	0	0	10
4-bed/5 person	6	6	8	0	20
3bed/4 person	30	21	9	0	60
2 bed/3 person	3	3	3	0	9
TOTAL	45	34	20	0	99

Unit Type	Home Zone 1	Home Zone 2	Home Zone 3	Home Zone 4	Total
FLATS					
4-bed/5 person	0	0	0	0	0
3-bed/5 person	25	0	6	10	41
2-bed/3 person	32	4	7	8	51
1 bed/2 person	0	8	7	8	23
TOTAL	57	12	20	26	115

The Health Centre and Commercial Proposals

2.9 The submission indicates that up to 400sqm of commercial space (A1-A3 uses) will be provided to 'create a micro-hub...This will provide access to retail services for new residents...as well as enhancing accessibility to services for existing residents in the nearby areas.' It is also proposed to provide a NHS health centre (Class D1) of up to 1,000sqm within the northern 'home zone'. The indicative plans suggest that these parts of the proposal will be up to 4 storeys in scale.

Access

2.10 Access is not a reserved matter and details have been submitted for full consideration as part of this outline application. The applicant states 'Access to the proposed development is to be taken at multiple points directly from Barge Pier Road, New Garrison Road, and Magazine Road. Access points are already established on Barge Pier Road with stubs lending themselves for the use of access into the site. A stub access from the roundabout on New Garrison Road is to be utilised to access the northern sections of the site, whilst the eastern detached part of the site will be accessed via an upgraded access on Magazine Road and stub end on Barge Pier Road.'

2.11 Pedestrian access to the site will utilise existing access points and pathways including the connection to Ness Road to the east of site. A formalised layout of paths across the site is proposed in the interest of encouraging pedestrian movement and site permeability...Encouragement will also be made to encourage cycle use through connection to the National Cycle Route 16 to the south of the site.'

Parking

2.12 In terms of parking, the information submitted indicates '*The proposed development will provide parking spaces for cars and cycles in accordance with the Council's parking standards contained within Policy DM15 of the Development Management Documents (July 2015).*'

2.13 A total of 502 parking spaces are proposed across the site comprising of 210 spaces for flats, 198 spaces for houses, 16 spaces for the A1-A3 commercial uses and 78 spaces for the health centre.

Landscaping

2.14 Landscaping is not a reserved matter and details have been submitted for full consideration as part of this outline application.

2.15 In terms of public open space, the below is proposed:

Use	Provision within the development (hectares)
Public open space	
Parks and gardens	0.88
Amenity green space	1.80
Natural and semi-natural	1.57
Play Space	
Equipped play areas	0.04
Other outdoor provision	0.01
Total open and play space	4.3

2.16 The submission documents indicate that the '*overall landscape vision is to create a development within a parkland setting that feels 'green' and natureful and that creates a unique sense of place in addition to improving site-wide biodiversity. The landscaped setting to the development is fully publicly accessible and provides a network of walking and cycling paths play and picnic areas...The use of large scale trees tolerant of coastal conditions helps to integrate the development into its setting and provides a soft edge to the development...Extensive areas of meadow and ornamental planting help to present an attractive, biodiverse environment with a structured, well-defined and legible sequence of spaces.*'

2.17 The landscaping scheme includes green corridors between the the 'home zones' and includes Sustainable Urban Drainage (SuDS) features that are integrated into the landscaping. The scheme includes tree planting, areas for informal recreation as well as local play areas for children.

Environmental Impact Assessment (EIA)

2.18 Under reference 20/00310/RSE, the Council determined that the development constitutes Schedule 2 development as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The development includes more than 150 dwellings and the overall area of the development exceeds 5 hectares. The site is not located within a sensitive area but is located close to a number of European protection sites.

The Council therefore concluded that, taking account of the criteria set out in Schedule 3 of the Regulations and all other relevant factors, the development would be likely to have significant effects on the environment pursuant to the Regulations. Therefore, it was concluded that an

EIA is necessary and an Environmental Statement, in line with the Regulations was required to be submitted with an application for the development.

- 2.19 In accordance with these conclusions, this application has been submitted with an Environmental Statement. The Council's scoping opinion issued under reference 20/00740/RSO considered that the Environmental Statement's three key topics should be water resources and flooding, ecology and nature conservation and cumulative impacts. The Council considered, further, concise and proportionate chapters should also be included in relation to heritage and archaeology, landscape character, ground conditions and contamination, and depending on the outcome and findings of the Transport Assessment, a separate chapter for Transport and Access could be required. In response to the scoping, the Council also determined that the following topics should be considered in a limited and proportionate way; health, air quality, noise and vibration, daylight, sunlight and overshadowing, lighting, climate change, impacts on public rights of way and socio-economic effects. It is considered that the Environmental Statement submitted adequately addresses the topics scoped in by the Council under reference 20/00740/RSO.

3 Relevant Planning History

- 3.1 The site has an extensive planning history. The most relevant planning history includes:
- 3.2 20/00740/RSO - Residential development of up to 250 dwellings and a health centre (class D1) vehicular access off Barge Pier Road and areas of open space and recreational areas and associated infrastructure. (Request for Scoping Opinion) – Scoping opinion issued.
- 3.3 20/00310/RSE – Residential development of up to 250 dwellings and a health centre, vehicular access off Barge Pier Road and associated new and enhanced open space comprising informal/natural greenspace. (Request for Screening Opinion) - Is EIA development and Environmental Statement required.
- 3.4 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 – planning permission granted.
- 3.5 20/00823/BC3M - Temporary storage of soil at New Barge Pier Road – planning permission granted.
- 3.6 14/01495/BC3M - Temporary storage of soil and install wheel cleaning apparatus at New Barge Pier Road - planning permission granted.
- 3.7 12/01198/BC3M - Temporary storage of soil and install wheel cleaning apparatus at New Barge Pier Road - planning permission granted.
- 3.8 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. *Reserved matters yet to be submitted. Reserved matters need to be submitted within 5 years of this permission (granted 27th April 2016).*
- 3.9 14/00566/OUTM - Erect 172 dwellinghouses and 15000sqm of Offices (Class B1) (outline application) – Withdrawn
- 3.10 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. *This permission is no longer extant.*

- 3.11 07/00366/FUL - Form access road from south of roundabout on Barge Pier Road; form flood alleviation ditch to east of Ness Road between Campfield Road and New Ness Road access – planning permission refused.
- 3.12 13/01743/RESM - Details of New Gunners Park infrastructure/facilities including children's play area, toddlers play area, wheeled sports and multi-use games area, tennis courts, car parks, footpaths/cycleways and historic military structures.(Approval of reserved matters following outline permission 00/00777/OUT granted on 06/02/2004) – Reserved matters approved.
- 3.13 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.
- 3.14 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 on 6th February 2004. *The approved master plan, which covered a wider area than the current application site sought to use the current application site as a business park and for leisure purposes.*

Adjoining site to the north

- 3.15 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.

4 Representation Summary

4.1 Public Consultation

339 neighbouring properties were consulted, 6 site notices were displayed and the application was advertised in the press. 11 letters of representation have been received which make the following summarised comments:

- Concerned that the development involves building on a flood plain and flooding concerns, including concerns relating to the levels of saturation at the site and the impact of climate change.
- Concerns health centre will not be built out. Suggest NHS doesn't want a health centre on a flood plain.
- Will result in additional cars on the roads which are already too busy and congested.
- No recent traffic survey has been undertaken. Concerns that the Transport Statement submitted is not correct, inaccurate and misleading.

- Safety concerns, including due to increase in numbers of road users close to a school and fear of accidents.
- Reliance on cars results in air pollution.
- Lack of employment in the area.
- Concerns local schools, the local doctor's surgery, roads and the local infrastructure is insufficient and does not have sufficient capacity.
- Too many houses proposed. Overdevelopment.
- Concerns that the development will link New Barge Pier Road to New Garrison Road, creating a rat run [*Officer comment: This does not form part of the proposal.*]
- Concerns relating to the scale of the development – should be reduced to not exceed 2 storeys.
- Out of keeping and concerns relating to impact on Conservation Area.
- Concerns relating to the land raising and heights of the development creating an eye sore.
- Residential amenity concerns including overlooking of gardens, loss of privacy and loss of light.
- Loss of green space and loss and continued erosion of park. Should be left as a park.
- Increase in pollution.
- Impact on wildlife.
- Negatively impact wellbeing of current Shoeburyness residents.
- Litter.
- Residents objections not listened to.

These concerns are noted and they have been taken into account in the assessment of the application, but are not found to constitute reasons for refusal in the specific circumstances of this case.

Committee Call In

4.2 This application has been referred to committee by Cllr Ward.

Housing

4.3 There is a requirement for a minimum of 65 affordable units on site (30% of the units). The following dwelling mix is required for the affordable units:

	Flats				Houses					Grand Total
	1 Bed	2 Bed	3 Bed	Total	2 Bed	3 Bed	4 Bed	5 Bed	Total	
Scheme	23	51	41	115	9	60	20	10	99	214
Proposed AH										
Required AH	12	14	9	35	17	11	2	0	30	65

As indicated in the Development Management Document Policy DM7 we would request tenure mix of: - 60/40% (60% rented, 40% intermediate housing). The required tenure split is as follows:

Tenure	Count
Affordable Rent	39
Shared Ownership	26

Highways Team

4.4 *Highways Impact*

The applicant has supplied a robust transport statement which has incorporated the highway authority's request to assess the extant and proposed development impact on the local highway network. TRICS data has been used to justify the trips rates used. The highway authority has

approved the trips rates used and agrees with the transport statement conclusions.

The applicant has demonstrated that the traffic impact is negligible when compared to the extant permission with an additional 8 trips in the AM peak with a reduction of 8 trips in the PM peak. This will not have a detrimental impact upon the local highway network.

There are no highway objections to the highways impact of the development.

Highway Access

Access to the development will be taken from existing junctions that are already formed. The design of the junctions are acceptable to accommodate the development traffic in terms of capacity and highway safety with no highway objections raised.

Parking

Parking for the entire development is policy compliant. The layout of all spaces ensures that vehicles can access and egress effectively. No highway objections raised.

Site Location

The site is located in a sustainable location with regard to public transport with good links in close proximity. National Cycle Route 16 is located on Ness Road providing links to Thorpe Bay, Southend, Westcliff and Leigh. The provision of secure cycle parking will provide residents and visitors to the development an alternative method of transport to and from the site.

Travel Plan

The Travel Plan is comprehensive. The applicant will be required to provide Travel Information Packs for future residents which should include incentives to encourage sustainable travel such as a free travel ticket for local services.

S106

Highways are requesting £30,000 contribution towards improving the junction of Ness Road and Campfield Road. This contribution will form part of a wider scheme to improve traffic flow within the area.

Conclusion

Given the above information and the comprehensive transport statement it is not considered the proposed development will have a detrimental impact on the local highway network therefore no highway objections are raised.

Historic England

- 4.5 Refer the Local Planning Authority (LPA) to published advice: *'The Setting of Heritage Assets 2nd Edition'* and suggest the LPA seeks advice from its specialist conservation and archaeological advisers.

Parks (Landscaping)

- 4.6 Initial queries regarding who will be responsible for the maintenance of the public open spaces and parks proposed. If the Parks team are not to adopt the open space and parks, details of the ongoing maintenance for all landscape elements will need to be provided. The Parks teams do not recommend that the public open space and play areas are adopted by the Council, however, the Council will need confirmation that they will be able to gain access across the site to maintain its land and infrastructure. Recommend a condition requiring the open spaces to

be retained and maintained in perpetuity.

Parks (Ecology)

4.7 *Botanical Report*

Surveying was carried out in July which is considered an optimal time for grassland surveys.

- 10 notable species have been identified on site, 5 of which are Essex Red Listed and 2 of which are classed as 'nationally scarce'. This has led to the ecologists conclusion of the site being of importance at the district scale for its botanical interest, and the impact of unmitigated development on the habitat is 'Severe and Negative and considered to be Major Adverse'.
- The site is a diverse coastal grassland which cannot be satisfactorily mitigated.
- These results highlight the importance of the site for biodiversity, and that the development should seek to mitigate these impacts throughout the development site.
- Request the suggested mitigation measures be adhered to, as avoidance and botanical enhancement is not possible.

Breeding Bird Survey

- The report highlights the importance of having qualified ecologists involved throughout development, as they will be required to carry out the recommendations.
- The Key Recommendations are necessary to prevent violation of the Wildlife and Countryside Act 1981.
- The Key Recommendations and Proposed Mitigation should be adhered to. These can be implemented across the development site.

Biodiversity Enhancement Measures

- Recommended enhancements mentioned throughout all ecological reports should be included as part of the development. This will allow for an opportunity for the development to result in a biodiversity net gain, or at least no net loss.

Assessment of Potential Impacts on SSSIs

- There should be no negative impact to any surrounding sites.
- It is important the mitigation measures recommended by D F Clark Bionomique Ltd in their report be followed.

Landscaping

- We request a condition be made there be maintenance for 5 years after planting to ensure establishment of soft landscaping and there be replacement of any dead trees and plants.

Summary

- We request condition/s be made to ensure adherence to recommendations and mitigation mentioned throughout ecological reports.

Essex Badger Group

- 4.8 The development is of a size and nature that demands full environmental surveys, particularly as it lies adjacent to a body of water and Gunners Park where there is known to be much wildlife in an area suitable for a variety of creatures which has increasingly diminished as the development of the local area has proceeded in the past few years. A full badger habitat survey will need to be conducted by a professional ecologist to locate and explore any badger setts or activity in the proposed development area. The Essex Badger Group have badger surveys showing setts in the area up to a decade ago.

Natural England

4.9

The development site falls within the 'Zone of Influence' (Zol) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites through increased recreational pressure, either when considered 'alone' or in combination with other plans and projects.

No objection – subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites within the scope of the Essex Coast RAMS. We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice. The mitigation should rule out an 'adverse effect on the integrity' of the European designated sites that are included within the Essex Coast RAMS for increased recreational disturbance. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate legally binding agreement, in order to ensure no adverse effect on integrity. Due to indexation the tariff has now increased to £125.58.

Environmental Health Team

Observations:

4.10

- 1) The Air Quality Screening Assessment Report by WYG dated July 2020 has been reviewed and is acceptable with negligible impact.
- 2) The Noise Impact Assessment Report by Sharps Gayler Acoustic Consultant dated 23 /07/2020 has been reviewed and is acceptable and meets BS 8233; 2014 internal levels.
- 3) The Phase 1 Geo- Environmental Desk Study and Preliminary Risk Assessment by Enviro Check Report dated July 2020 has been reviewed. The report does not provide all the information as the southern sector of the site may be contaminated in relation to the intended use of the land after remediation, so that the site will not qualify as Contaminated under Part 2A Environmental Protection Act 1990. A Phase 2 Assessment will be required.
- 4) No Light Impact Assessment has been provided.
- 5) The Waste Management Strategy by Stolon Architects has been reviewed and is acceptable.
- 6) Construction Methodology: Adequate methods will be required.

Conditions are recommended relating to air quality, noise/odour impact, land contamination, light pollution, waste, refuse and recycling, construction method statement, control of dust nuisance during construction works, no waste burnt on site, dust management plan, lighting and hours of work.

London Southend Airport

4.11

Max development height in this area is 161.46m AOD. All aspects of the development must comply with CAP168 and EASA regulations including lighting, landscaping and renewable energy sources.

Officer comment: The agent has confirmed that the maximum height is circa 23.9m AOD (Above Ordinance Datum) in accordance with the Airport's requirements.

Anglian Water

- 4.12 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. Informatives are recommended in this respect.

The development site is within 15m of a sewage pumping station which requires access for maintenance and will have sewage infrastructure leading to it and cannot be easily relocated. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station of the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

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

Used water network – the sewer system at present has available capacity for these flows. A number of informatives are recommended in this respect.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted.

Design and Conservation Officer

- 4.13 The proposal constitutes a significant development for this location which has a relatively low density. It is noted that the appearance of the development is a reserved matter however the indicative designs provided are crucial in demonstrating how a development of this density could be achieved on site.

Parameter Plans:

Heights and Levels:

- It is noted that the area denoted as being suitable for the highest 5 storey blocks is significantly larger than the two small 5 storey blocks shown on the masterplan. It is important that the development does not dominate the domestic scale of the surrounding area. The masterplan images show how this can be achieved but with only a very limited element of 5 storey development. This parameter plan would seem to suggest that a much larger element of 5 storeys would be acceptable. This has not been demonstrated in the masterplan. It would be beneficial for the parameter plan to be more representative of the heights on the masterplan.

[Officer comment: This has since been amended.]

Access:

- It is pleasing to see a range of interconnecting routes for pedestrians and cyclists which connect to the surrounding area. It is also noted that these correspond to the indicative landscape strategy and its intentions to provide an attractive 'parklike character' around the perimeter of the site.
- The intention for shared surface home zones within the smaller development parcels in the centre of the site should also provide a positive environment for pedestrians in these lower density areas.

Land use

- The proposed land use plan which locates the commercial development at the northern end close to the existing school and other retail uses in the area and residential areas to the south is considered to be a positive response to local context.
- The inclusion of play areas throughout the site is positive.

Masterplan and Indicative Design:

Layout:

- The layout, as depicted in the parameter and masterplan, splits the site into 4 development areas linked by landscaped open space which provides an opportunity for a series of character zones across the site adding interest and legibility to the development.
- The scale of the zones appears reasonable in relation to the grain of the wider area.
- The landscape context will provide a positive setting for the development and link into the wider parkland areas surrounding the site.

Scale and Form:

- The repeating shapes and forms unify the development across the accommodation types and varying scales and provide a strong sense of place.
 - The contrasting roof pitches break up the form of the larger blocks into a finer grain and resulting in a more domestic character across the site.
 - The site is located on a flood plain and this requires the habitable accommodation to be raised to a safe level which presents a design challenge. This has been dealt with by introducing a colonnade feature at ground level which provides space for non-habitable uses under the main living spaces. The detailing of this with regularly spaced wide brick columns gives the impression that the buildings are on stilts and seems to work well in this context which includes water features around the edge of the development.
 - This arrangement has also had the effect of splitting the buildings horizontally into 3 distinct proportions - the stilted base, solid middle and varied roof planes. This adds variety and interest to the development and helps to offset the raised height of the buildings in the streetscene.
 - The significant landscaping/ parkland around the development offset the lack of active frontage at ground level.
 - Wrapping the raised central areas of each zone with the stilted buildings masks the change in ground levels providing a seamless transition of spaces. The level changes including access for vehicles and pedestrians, will need to be fully integrated into the design.
 - The form of the development including regular stepping within the building footprints and pitched roofs creates a more domestic scale and helps the proposal, which includes a number of flatted blocks, to sit comfortably alongside the housing developments in the Garrison development and the residential area to the east.
-
- The repeated common elements between the character zones and different building typologies ensures that the development has a strong sense of place and appears cohesive which is positive.
 - Overall, it is considered that this arrangement demonstrates that the scale and density proposed can be successfully achieved on this site provided the form and arrangement of the buildings are well considered.

Materials and Detailing:

- The materials and detailing are yet to be finalised, however the visual CGIs generally depict a high-quality scheme.
- The architecture repeats key elements, materials and is well-proportioned and

- positioned across a variety of footprints and heights to create attractive streetscenes.
- The proposal to provide an alternative but complementary design for the central home zone areas and commercial zone add interest and provide legibility to the development.
 - The feature corner of the proposed health centre at the north east corner of the site works well as a focal point to the north of the site and will create a positive gateway with the Hinguar School Building.
 - The colonnade design for the shopfronts provides a positive reference to the 'stilts' and reinforces the sense of place.
 - Overall, the materials and detailing within the indicative design demonstrates a high-quality scheme.

Landscaping and SUDS:

- The scheme has a landscape setting which successfully incorporates the SuDS features, attractive pedestrian routes and space for play. This will help to embed the new development into the established character of the area including the Garrison itself which has a strong landscape component.
- It is noted that the historic Garrison buildings have a more formal arrangement of buildings and spaces than that proposed. It is noted however that Barge Pier Road forms a distinct separation between the site and the Garrison development and this provides some justification for a more fluid arrangement of development and spaces in this location. The introduction of some more formal spaces at key points within the development would however provide a positive link between the two sites. This could be achieved in the landscaping at key points and in the commercial area to the north where the buildings have a more regular arrangement.
- The use of avenues of large trees lining key routes will also be a positive link between these two areas.

Landscape Visual Impact Assessment (LVIA) and Heritage Impact:

- The LVIA demonstrates that, whilst the development will result in a significant change to viewpoints close to the site, its impact from the wider area, including from the conservation area will be very limited as the development would not break the skyline and would not be visible at all from most of the conservation area.
 - It has therefore demonstrated that the proposal will not cause harm to the setting of the listed buildings in the Garrison.
 - The LVIA also highlights that the proposed landscaping will have a significant softening impact on the buildings particularly once they become established including screening them almost completely in longer views.
-
- Outside the boundary of the conservation area the grade II listed experimental casements on the sea wall will have a clearer view of the development although this building is over 400m from the site. The landscaping proposals include the retention of existing trees and new large-scale tree planting around the south eastern corner of the site will be important to mitigate this impact of the development from this location.
 - It is inevitable that any development on this site will have a significant impact on close views of the site. In this case the LVIA recognises that *'the variety of visual interest is created by the contrast achieved in various massing heights and angles of the roof line and set back of facades bringing a definite style, character and structure to the site'* and as such the impact of the development has been judged as having a beneficial impact in closer views. This seems reasonable provided the quality of the scheme is maintained. A scheme of a lower design quality would not be judged so favourably.

- It is noted that in addition to the designated heritage assets at the Garrison the proposal there are a number of heritage buildings to the east of the site including the grade II* St Andrews Church, South Shoebury Hall which is grade II and closest to the site 135 Ness Road which is locally listed.
- The LVIA demonstrates that the proposal will be seen from Church Road outside St Andrews Church but only in the distance and will be screened by landscaping in due course.
- South Shoebury Hall, nearby to the south, is surrounded by existing buildings and is consequently very inward looking with no real views out to the surrounding area. Its setting is defined by the walled garden which would be unaffected by the development. The Council has previously granted permission for 6 new houses on the site of the locally listed building at 135 Ness Road which will provide a buffer to the site. These are currently under construction.
- There are also several locally listed building further north in Ness Road but these are more remote from the site and any views of the development will be significantly reduced by existing development.
- The submitted Heritage Statement concludes that *'Due to distance, as well as intervening modern development and landscape features, as well as the nature, arrangement and relative height of the proposed development within the study site the proposed development has a limited potential to unduly influence either the character and appearance of the Garrison Conservation Area or the contribution of setting to identified heritage assets. It is concluded that the introduction of carefully considered built form and landscaping to the study site can be introduced without significant harm to any identified designated or non-designated heritage assets. The level of harm has been assessed, and subject to detailed design, is likely to result in no harm to negligible (less than substantial) harm to the significance of these assets.'* This conclusion seems to be a reasonable assessment of the impact.

Officer comment: The heights and levels parameter plan was amended during the course of the application to reduce the extent of the 5 storey element. The Design and Conservation Officer has confirmed that this is now acceptable.

Environment Agency

4.14

We have no objection to this planning application because the site is currently defended and the Shoreline Management Plan (SMP) policy for this area has an aspiration for hold the line. The SMP policies are compatible with the policy proposed by the Thames Estuary 2100 (TE2100) strategy. This includes an aspiration to maintain the standard of protection, including taking into account the impacts of climate change.

You must assess whether you consider the development to be safe. Information from your SFRA regarding the SoP at Shoebury show that the site would be expected to flood in the present day tidal design flood event. Additionally, if the SMP and TE2100 policies are not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility.

Flood Risk:

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be

supported by a site-specific Flood Risk Assessment (FRA).

Sequential and Exception Tests:

The requirement to apply the Sequential Test is set out in Paragraph 158 of the National Planning Policy Framework. The Exception Test is set out in paragraph 160. These tests are your responsibility and should be completed before the application is determined.

Flood Risk Assessment:

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 185320-01B and dated July 2020, are:

The FRA includes site specific 2D hydraulic modelling which we have reviewed previously and confirmed is fit for purpose

Actual Risk:

- The site is currently protected by flood defences with an effective crest level of 5.04m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.61m AOD. Therefore, the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event.
- If the TE2100 and SMP policies are not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 5.79m AOD, would overtop the existing defences

Residual Risk:

- Section 4.28 of the FRA explores the residual risk of a breach using their own site specific 2D modelling. The site could experience breach flood depths of up to 3.09 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 3.49 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2115).
- Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- All development on the ground floor is 'Less Vulnerable'. Finished ground floor levels have been proposed at a minimum of 3m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 6.09m AOD and therefore at risk of flooding by 3.09m depth in this event.
- Flood resilience/resistance measures have been proposed
- All 'More Vulnerable development is proposed above 6.50m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change.
- A Flood Evacuation Plan has been proposed

TE2100 Policy:

The TE2100 Plan was published in November 2012, setting out our recommendations for flood risk management for London and the Thames Estuary. This site is located within the Policy unit – Leigh Old Town & Southend-on-Sea unit, which has a policy of "P4". Policy P4 is "To take further action to keep up with climate and land use change so that flood risk does not increase."

The TE2100 Plan is an aspirational document, rather than a definitive policy, so whether the defences are raised in the future will be dependent on a cost benefit analysis and the required funding becoming available. 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.

When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable.

Shoreline Management Plan:

The current defences protect this area against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response.

The Essex and South Suffolk Shoreline Management Plan (SMP) has a policy of 'Hold the Line' until 2105 for Shoebury Ness location, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations.

When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at an unacceptable flood risk of internal flooding in the design event.

Guidance for Local Council:

Safety of Building – Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings.' Additional guidance can be found in our publication 'Prepare your property for flooding'.

Safety of inhabitants - Safety of Building:

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall-back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water.

Safety of Inhabitants – Emergency Flood Plan:

Our involvement with this development during an emergency will be limited to delivering flood

warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Partnership funding for new/upgraded defences:

Please note that government funding rules do not take into account any new properties (residential or non-residential), or existing buildings converted into housing, when determining the funding available for new/upgraded defences. Therefore, as the proposed development may reduce the funding available for any future defence works we would like to take opportunities to bring in funding through the planning system, so please can you consider this when determining the planning application.

Other Sources of Flooding:

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. You should ensure these risks are all considered fully before determining the application.

We have been contacted by a local group regarding this development, voicing their concerns about the possibility of flooding at this site. We received a letter related to the issue, which was accompanied by a number of photographs, these appeared to show surface water flooding at the site. Whilst we have explained that surface water flooding is not part of our remit, we take this opportunity to draw your attention to the concerns that were raised. We believe you should discuss this matter further with the Lead Local Flood Authority, to ensure that all sources of flooding at the site are considered.

Council's SuDS, Drainage and Flood Engineers

4.15

Southend Borough Council as Coastal Protection Authority recommends that the application is approved subject to planning conditions requiring the construction to be in line with the recommendations of the Flood Risk Assessment submitted including that all ground levels are to be set to 3.0m AOD and 6.0m AOD, that all construction should conform to the Resistance and Resilience measures as identified in paragraphs 5.30, 5.31, 5.32 and 5.33 of the Flood Risk Assessment and that all domestic dwellings will have provision for refuge greater than the 0.1% Annual Exceedance Probability (AEP) plus climate change level of 6.5m AOD.

It is also requested that the applicant provides details of the wave conditions which have been used to calculate the overtopping events, the methodology used for calculating the overtopping volumes and the outputs of the overtopping volume calculations.

In terms of drainage proposals, the information provided for the SuDS/Drainage Strategy is deemed sufficient for this stage. There are several omissions, inconsistencies and additional information that will need to be addressed and submitted as part of conditions or reserved matters.

Strategic Planning Policy

4.16

The Core Strategy sets out broad locations for employment growth and identifies Shoebury Garrison (phases 1 and 2) as a priority urban area, recognising that the area has potential to contribute to local employment objectives. Policy KP1: Spatial Strategy, outlines that Shoeburyness should be promoted as a place to live and work. The site is not however allocated. Nonetheless, its potential to accommodate a mixed-use development to provide

attractive places for people to live, and local jobs, is recognised.

The site has been promoted in the past for a mix of uses, including in Use Class B1. While the current scheme does not include B class uses, it does seek to provide a mix of uses to complement the proposed residential development which would generate some local jobs, namely a health centre and retail floorspace. The supporting Planning Statement draws reference to a number of relevant documents in regard to employment provision on the site, which form part of the Council's evidence base. In regard to this evidence, and the mix of uses being put forward as part of this proposed scheme, on balance there are no objections to the principle of these uses in this location, subject to satisfactory measures being implemented in terms of flood risk mitigation.

The provision of 214 residential units is welcomed, with a policy compliant provision of affordable housing being proposed. The scheme is proposed to comprise a mix of houses and flats, designated in home zones. The accommodation includes a strong provision for family sized accommodation, primarily focused on 3-bed/4 person units (a more diversified offer in terms of providing a mix of unit sizes may be beneficial). The site has been considered suitable for a mix of uses and the uses proposed as part of this application are likely to be complementary to one another as well as potentially providing facilities / services for existing residents.

Archaeology

- 4.17 No objections raised subject to a condition requiring a watching brief to be undertaken. This is recommended as the site has low to moderate archaeological potential but there is not enough to warrant in-depth archaeological intervention. The watching brief should be carried out by a qualified archaeologist who will be on site to monitor all invasive groundwork until it is complete. If the watching brief identifies unexpected remains they may be important enough to require further archaeological intervention, which can be agreed if this arises.

Education

- 4.18 The application falls within the primary catchment area of Hinguar (currently a small school) and secondary catchment area of Shoeburyness High School. As a mixed development all units would be counted for S106. The local primary and secondary schools have no capacity to accommodate this development at present. The secondary school may have potential for additional places. As this development would add to the numbers being planned for it, a S106 of £493,000.40 towards secondary education is required.

Shoebury Residents Association (summarised)

- 4.19 Have received many comments relating to this application, mainly to do with flooding or the infrastructure including doctors, traffic, schools, etc.

Flood concerns:

- Most important consideration.
- Grade 3a flood zone.
- Concerns relating to impact on neighbours with regard to causing flooding elsewhere.
- Concerns regarding impact on water table.
- Concerns will impact chance of obtaining flood insurance.
- Concerns relating to protection offered by flood defences, breaches of flood defences and impact of global warming.
- Concerns relating to adequacy of Flood Risk Assessment (FRA) submitted, including that it doesn't include all flood events. Concerns that not all flood events have been recorded due to resource issues.

- Accountability concerns and queries.
- Storm drains are overloaded.
- Flood defences need to be built before any build.

Other issues:

- Infrastructure concerns including lack of doctors, school places and employment before proposed houses.
- Concerns that no public meeting will take place and concerns relating to submission during pandemic and impact it has on residents viewing and commenting on the application.
- Concerns relating to affordability of affordable housing.
- Residential amenity concerns.
- Concerns relating to outlook as a result of raised buildings.
- Overpowering.
- No evidence that health centre will actually be built.
- Lack of jobs for new residents in Shoebury, resulting in residents commuting out for jobs, causing more traffic problems.
- Highway safety concerns.

5 Planning Policy Summary

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

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)

5.3 National Housing Standards (2015)

5.4 Technical Housing Standards Policy Transition Statement (2015)

5.5 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), CP7 (Sport, Recreation and Green Space) and CP8 (Dwelling Provision).

5.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4 (Tall and Large Buildings), DM5 (Southend-on-Sea's Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).

5.7 Design & Townscape Guide (2009)

5.8 Vehicle Crossing Policy & Application Guidance (2014)

5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5.10 Waste Storage, Collection and Management Guide for New Developments (2019)

5.11 Shoebury Garrison Conservation Area Appraisal (2004)

6 Planning Considerations

6.1 The main considerations in relation to this application include the principle of the development, dwelling mix, flood risk and drainage, biodiversity considerations, design and impact on the character and appearance of the area and the nearby heritage assets, residential amenity implications, whether the development would provide suitable living conditions for future occupiers, highway, parking and traffic and transportation considerations, suitability, CIL and developer contributions. The planning history is a material consideration in the determination of this application.

7 Appraisal

Principle of Development

Principle of residential development and loss of employment land

7.1 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.'*

7.2 Paragraph 119 of the NPPF states *'Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.'*

7.3 Policy KP2 of the Core Strategy states that all new developments should *'...make the best use of previously developed land, ensuring that sites and buildings are put to best use...respect, conserve and enhance and where necessary adequately mitigate effects on the nature and historic environment...do not place a damaging burden on existing infrastructure...promote improved and sustainable modes of travel...secure improvements to the urban environment through quality design...respect the character and scale of the existing neighbourhood where appropriate...'*

7.4 Policy CP8 of the Core Strategy states *'Provision is made for 3,350 net additional dwellings between 2001 and 2011 and for 3,150 net additional dwellings between 2011 and 2021.'* Policy KP1 of the Core Strategy identified Shoeburyness as an area for appropriate regeneration and growth, identifying Shoeburyness as an area to secure an additional 1,500 jobs, and providing for 1,400 additional dwellings.

7.5 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.'*

7.6 Within the original application for the mixed-use redevelopment of the wider Garrison area (reference 00/00777/OUTM) which was granted in 2004, the master plan sought to utilise the current application site as a business park and for leisure purposes. A subsequent application (reference 15/02053/OUTM) granted outline planning permission to develop the site (and the site immediately to the north of this application site which has planning permission granted for

a food store) to provide 172 dwellings, 14,130sqm of office space and a health centre. The residential dwellings were proposed to the south and middle part of the site and included the smaller parcel of land to the east, with the employment uses further north and the health centre within the food store site.

- 7.7 As such, the principle of a residential led, mixed use scheme has previously been found acceptable on this site. The current proposal whilst maintaining the proposal for a health centre, no longer seeks to provide any employment uses, with only a relatively small (up to 400sqm) of retail (A1-A3 uses) now proposed. No B1 uses are proposed in the current scheme. It is noted that more recently planning permission was granted to use part of the site (the middle section of the larger, western part of site) for commercial uses comprising 9 B1/B8 uses, 1 A1 retail unit and 1 Sui Generis Use (vets) under reference 18/01975/FULM.
- 7.8 Whilst the site is identified as a part of a broad and general area for industrial/employment uses within the Core Strategy Key Diagram of 2007, the site was not specifically allocated for employment purposes in the Proposals Map of the Development Management Document of 2015. The Strategic Policy team has raised no objections in this respect and welcome the introduction of housing at this site. Planning permission has previously been granted for the provision of 172 dwelling units on this site (as discussed above), and the Core Strategy identifies Shoeburyness as an area for housing growth. It is also noted that the Council is unable to provide a 5-year housing supply. Furthermore, the NPPF (paragraphs 120 and 121) state *'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 the plan...prior to updating the plan, applications for alternative uses of the land should be supported, where the proposed use would contribute to meeting an unmet need or development in the area.'* Given all of these factors, the principle of developing the site for a residential led scheme is considered acceptable.
- 7.9 In terms of loss of employment, key policies include:
- 7.10 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.'*
- 7.11 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.'*
- 7.12 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.

- 7.13 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 dependent 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.
- 7.14 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 HELAA 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.'*
- 7.15 In this respect, the Strategic planning policy team have noted that the mix of uses proposed would provide some employment opportunities, although not 'Class B' uses and conclude, having considered the evidence available that *'In regard to this evidence, and the mix of uses being put forward as part of this proposed scheme, on balance there are no objections to the principle of these uses in this location...'*
- 7.16 It is also noted that there has been a lack of demand for the existing B1 uses provided on the existing Garrison development. For example, planning permission was granted under reference 16/00889/FUL to change the use of the offices at Unit 6 New Garrison Road to 6x dwellinghouses. That application was submitted with supporting information which outlined that the site had been marketed for approximately 5 years with no commercial occupier secured. The eastern building, Unit 4 is also now occupied by a retail unit (Sainsbury's Local). It is also noted that land to west of Unit 4, which was originally promoted as a location for increased employment floorspace, has since been granted planning permission for residential development (5 terraced houses) under reference 17/01473/FUL. Land to the east of Unit 10 has also had planning permission for housing (4x dwellings) under reference 18/01355/FUL. In this respect, the information submitted with the application states *'The fact that this site has not been built out / occupied by employment uses suggests that the site is not located in an area desirable for such employment uses, or that the proposed unit types are not meeting demand.'*

- 7.17 It should also be noted that whilst not providing Class B employment uses, the site does also include the provision of commercial uses (Classes A1-A3) and a health centre which would provide some employment opportunities. In this respect, the information submitted with the application indicates that *'...the provision of a new health centre on the site would itself provide a level of skilled employment and will lead to the creation of 22 full time equivalent (FTE) jobs as well as the jobs created by the proposed retail uses, thereby making a contribution towards the delivery of new jobs in Shoeburyness.'*
- 7.18 The supporting information submitted with the application states *'...since 2004, when outline planning permission was granted on this site for a mix of uses, including employment, there has been very little demand for employment uses on the site despite marketing commercial uses for circa 10 years since the applicant has owned the site and nothing has been forthcoming other than Lidl.'*
- 7.19 On balance, taken in the round, given that the NPPF advocates flexibility in cases of this nature, given that the employment use allocation was chosen to be omitted from the Development Management Document, given the planning history of the site, which has already permitted a residential led, mixed use scheme including 172 units on the site and given the supporting information provided and the evidence of surrounding commercial units lacking demand, it is considered that the loss of the employment land is acceptable in this instance. It is also noted that there is an increased requirement for housing provision within the Borough and the Council's Strategic Planning Policy team has raised no objection to the principle of residential units on this site, nor the loss of the site for Class B employment purposes. The development is therefore acceptable on this basis.

Principle of Health Care Facility

- 7.20 In terms of the proposal for a new NHS health centre of up to 1,000sqm, the information included within the Health Impact Assessment submitted states *'The existing provision of GP and dental surgeries, opticians and pharmacies in an accessible range of the proposed development is good. However, the number of registered patients per GP has recently risen to almost 2,100 in England according to new official figures and this is demonstrated by all of the 8 GP surgeries within a 2 mile radius of the site. GP's have warned that for each extra patient over 2,000 patients per GP, quality of care declines. There is therefore an identified need for more GP's in the area and one of the key benefits of the proposal in terms of accessibility to services for the local community will be the provision of a new NHS Health Centre (subject to a provider coming forward), which will also provide a new facility for future occupiers of the site...'* The report also recognises that all of the GP surgeries within a 2 mile radius are currently accepting new patients.
- 7.21 The Core Strategy Key Diagram identifies the site as a location for a primary care centre, although it is noted that this allocation was not carried forward in the Development Management Document Proposals Map. In this respect, Policy CP6 of the Core Strategy states development proposals must contribute *'...providing for health and social care facilities in particular supporting the strategic services development plan of the Primary Care Trust...This is will include the establishment of Primary Care Centres at Leigh, Eastwood, Westcliff, Central Southend, Southchurch and Shoeburyness.'*
- 7.22 It is also noted that no objection was previously raised to the principle of a health centre within the wider Garrison Phase II development site under reference 15/02053/OUTM. Prior to that planning permission was also granted to erect a three-storey primary care centre under reference 10/01829/FULM. This permission is no longer extant.

7.23 As such, the proposal to provide a health centre on the site is acceptable and policy compliant.

Principle of Retail

7.24 The up to 400sqm of retail (Classes A1-A3) uses proposed does not require the submission of a retail impact assessment under national and local policy. The information submitted with the application indicates that the proposed A1, A2 or A3 uses *‘...will be provided to create a retail micro-hub along with the approved supermarket located to the immediate north of the site. This will provide access to retail services for new residents in the proposed site as well as enhancing accessibility to services for existing residents in the nearby areas.’*

7.25 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.’*

7.26 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 an edge of centre location, however, given the relatively limited scale of the A1-A3 uses proposed, the limited current retail offer in the immediate locality and the additional footfall which arises both from recent and the currently proposed residential development in the locality, it is considered that the retail element would not materially harm the vitality of the main Town Centres in the Borough. Previously, under reference 18/01975/FULM, a small element of retail (A1 sandwich shop and a sui generis veterinary practice) was also found acceptable. The 400sqm of A1-A3 uses will also provide an important element of employment at the site.

7.27 As such, the development is considered acceptable and policy compliant in this respect.

Dwelling Mix

7.28 Policy DM7 of the Development Management Document states *‘All major residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, where feasible, to reflect the Borough’s housing need and housing demand.’* Policy DM7 sets out the preferred dwelling mix for developments within the Borough, as follows:

Market Housing

Dwelling size: No. of Bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings	9%	22%	49%	20%

Affordable Housing

Dwelling size: No. of Bedrooms	1-bed	2-bed	3-bed	4-bed
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Proportion of dwellings	16%	43%	37%	4%
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- 7.29 The proposal seeks to provide the following dwelling mix, as shown within the accommodation schedule submitted:

Dwelling size: No. of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings (market)	9%	20%	51%	20%
Proportion of dwellings (affordable)	15%	45%	38%	2%

- 7.30 As such, the dwelling mix proposed is considered to reflect the requirements as set out in Policy DM7 including a significant proportion of family sized units, for which there is a particular, identified need for within the Borough. The dwelling mix proposed is therefore considered acceptable and policy compliant.

Flood Risk and Drainage

- 7.31 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.'*

- 7.32 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...'

- 7.33 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."*

- 7.34 The information submitted with the application identifies that the southernmost part of the site is located some 400m from the River Thames Estuary. Barge Pier Ditch runs along the eastern side of the larger part of the site adjacent to New Barge Pier Road which discharges into the Thames Estuary. Barge Pier Ditch, in conjunction with the balancing ponds within the wetland area to the north of the secondary flood defence bund, temporarily stores surface water runoff from the whole Garrison site when the outfall is tide locked. As tidal levels drop, surface water runoff from the site is discharged through the outfalls at Gogs Berth.

- 7.35 The River Shoe/Flood Alleviation Ditch/Ditch C-X runs close to the western boundary of the site, parallel to Ness Road. The ditch conveys runoff from the urban catchment to the north of the site in a southerly direction before discharging into Barge Pier Ditch to the south of the flood defence bund.

7.36 Flood defences are present in the vicinity of the site, which are owned and operated by Southend Borough Council. The levels of the defences range from 6.00m AOD south of the site to a low of 5.04m AOD to the west. The information submitted with the application indicates that at its nearest point, the extreme sea levels would be 4.64m AOD for the 1 in 200 year extreme sea level event and 5.05m AOD for the 1 in 1000 year extreme sea level. As such, the application site is currently protected by tidal flood defences.

7.37 The application has been submitted with a site-specific Flood Risk Assessment (FRA) which confirms that the site is located in flood zone 3; high probability of flooding (less than 1.0% AEP (Annual Exceedance Probability) from fluvial flooding and less than 0.5% AEP from tidal flooding). The FRA, notes however, that it does not take account of the existing flood defences.

7.38 As the development is located within Flood Zone 3 and as the proposed residential development constitutes a 'more vulnerable' development, the proposal is required to satisfy the sequential and exception tests.

Sequential Test

7.39 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.'*

7.40 The application has been submitted with a sequential test report which considers whether there are any alternative, available sites, or combination of sites in the Shoeburyness area with a lower probability of flooding which could accommodate the proposed development within the same timeframes. The sequential test has considered a number of alternative sites within Shoeburyness, including those identified by the HEELA (2018) but concludes *'that there are no reasonably available sites in the Shoeburyness area with a lower probability of flooding, which would support this site of development within the timeframe proposed.'*

7.41 Given the information submitted, it is therefore considered that the development passes the sequential test. Whilst the sequential test has only considered alternative sites within the Shoeburyness area, this was the stance taken within the 2015 extant permission and it is also noted that Policy KP1 of the Core Strategy states that *'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 of Shoebury Garrison, regeneration of local shopping centres and existing industrial estates to secure an addition 1,500 jobs and providing for 1,400 additional dwellings...'* The Core Strategy is clear therefore, that whilst Southend Town Centre and the Central Area is the primary focus for regeneration and growth there is an expectation that additional regeneration and growth will be concentrated in Shoeburyness. As such, it is considered appropriate, in this instance that the Sequential Test has considered Shoeburyness in isolation. It is considered that the development passes the Sequential Test in this respect.

Exceptions Test

7.42 Paragraphs 159 and 160 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 application of the exceptions test should be informed by a...site-specific flood risk assessment...For the exception test to be passed it should be demonstrated that:*

- A) *The development would provide wider sustainability benefits to the community that outweigh flood risk; and*
- B) *The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

7.43 In terms of part (a) of the Exceptions Test, the application has been submitted with a Sustainability Assessment which indicates that the development has been designed to include the principles of sustainable design, incorporates the principles of energy efficiency, aims to optimise the use of the land without over-intensification, provides outside spaces and landscaping and encourages sustainable transport options.

7.44 The Exceptions Test Report submitted with this application identifies a number of social (e.g. site close to GP surgery, primary school and open spaces, public realm and open space provisions and provision of affordable housing), environmental (e.g. SuDS, open space and renewable energy) and economic benefits (e.g. provision of a health centre, commercial uses that generate employment and dwellings which allow for home working) which result from the development.

7.45 Given the benefits of the proposal which would provide wider sustainability benefits to the community, it is considered that the proposal satisfies the requirements of part (a) of the Exceptions test.

7.46 In terms of part (b) of the exceptions test, the application has been submitted with a FRA, Drainage Strategy, Flood Modelling Report and Flood Response Plan.

7.47 The site-specific FRA submitted states *'It is proposed that as a minimum finished floor levels for the blocks of flats will be as follows: the undercroft car park will be set at a level of 3.0m AOD. First floor level will comprise living and sleeping accommodation and be set at a minimum level of 6.50m AOD.*

This is above the 1000 year climate change flood level of 6.49m AOD. This ensures that refuge is provided above the extreme flood event whilst allowing the undercroft car park to flood and therefore minimise the loss of floodplain. The townhouses are proposed to be constructed in a similar way with access, garages and utility room at ground floor set at 3.0m AOD. However, living and sleeping accommodation will be on first floor and finished floor levels set at a minimum level of 6.50m AOD to address the residual flood risk associated with the 1 in 1000 year plus climate change threshold.'

7.48 The FRA states that due to the depth of flood water during the 1 in 200 year climate change breach and overtopping event, flood resilient and resistant measures have been proposed to minimise flood impact and facilitate a quicker recovery time for the commercial spaces within home zone 4 and the undercroft parking areas. The FRA also states that during the 1 in 200 year climate change breach scenario, safe access and egress can be afforded to the site along New Garrison Road, New Barge Pier Road and Magazine Road to the north and east with safe refuge also afforded by the proposed development.

7.49 The FRA therefore concludes that *'the proposed development will not increase flood risk offsite whilst remaining safe for the lifetime of the development. '*

7.50 In terms of the breach analysis, the modelling indicates that the worst case scenario occurs with a breach to the south west of the site, whereby flood waters would convey along Ness Road to the west of the site, with flood waters entering the site just north of the junction between Barge Pier Road and Ness Road. Water then travels along the flood alleviation ditch in a northerly direction to the west of the site before inundating the site. The mechanism of flooding

is the same for both pre and post development scenarios. The time to inundation on site would take 1.25 hours to reach the site and a further 1 hour 30 minutes to reach maximum depths of 6.09m AOD and 6.49m AOD for the 1 in 200 year and 1 in 1000 year plus climate change events respectively. The raised development platforms mean that the houses are elevated above the residual flood risk with the undercroft car park and uninhabitable ground floor levels able to flood ensuring flood plain storage is maintained.

7.51 The Flood Response plan submitted similarly concludes that although the site is protected from the 0.1% plus climate change event, an assessment of the residual risk (based on a theoretical failure of the flood defences) indicates that the site would be at risk of flooding as a result of a breach for a 1 in 200 year and 1 in 1000 year modelled scenarios (including climate change).

The recommendations included within the Flood Response Plan include:

- 7.52
- Households and commercial premises register with Environment Agency's Floodline service
 - In the event of a breach the Flood Response Plan is to be implemented which shows safe access and egress routes from the site. Residential units have safe refuge above predicted flood levels with occupants and residential accommodation able to stay safe and dry.
 - Flood emergency kits should be stored at all residential and commercial units.
 - Structures constructed to withstand the force of predicted flood levels and velocities.
 - Occupants to be made aware when flood warnings are in place.
 - Residents and site managers to liaise with Southend-on-Sea's Emergency Planners, the EA and emergency services.
 - Flood Response Plan regularly reviewed.

7.53 The Environment Agency (EA) has raised no objection to the proposed development because the site is currently defended and the Shoreline Management Plan (SMP) policy and the Thames Estuary (TE2100) strategy have aspirations to maintain this standard of protection, including taking into account the impacts of climate change. The Environment Agency does comment however, that Southend Borough Council must be satisfied that the development is safe. In terms of actual risk, the EA confirm that the site is currently protected by flood defences with an effective crest level of 5.04m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.61m AOD. Therefore, the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The EA also points out however, that if the TE2100 and SMP policies are not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 5.79m AOD would overtop the existing defences.

7.54 In terms of residual risk, the EA comments that all ground floor development is 'less vulnerable' and would be at risk of flooding by 3.09m during the 0.5% (1 in 200) annual probability including climate change flood event. However, all 'more vulnerable' development is proposed above the 6.50m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change.

7.55 The application has also been submitted with hydraulic modelling which concludes '*The hydraulic model and results...demonstrate that there is a de minimis impact on overall flood risk between the pre and post development scenarios across the study area for all modelled flood events. The proposed mitigation measures...are appropriate in making the development site safe for the duration of its lifetime.*' In this respect, the EA has confirmed that the site-

specific hydraulic modelling undertaken is fit for purpose.

7.56 The Council's SuDS, Flooding and Drainage Engineers have also reviewed the application and the documents submitted and recommend that the application is approved, subject to conditions. Subject to the imposition of those conditions and given the advice of the EA and the Council's Engineers, it is considered that the development would be safe for its lifetime and would not increase flood risk elsewhere. It is therefore considered that the development passes part (b) of the Exceptions Test.

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

Surface water flooding

7.58 The information submitted with the application confirms that the EA Flood Risk Maps show that the site is at low risk (between 0.1% and 1% annual probability) of surface water flooding. The proposal includes Sustainable Urban Drainage Systems (SuDS) and the information submitted with the application indicates that *'The peak discharge rate from the site will be reduced to the equivalent Greenfield rates...'* SuDS features include permeable paving, detention basins and swales to mimic the baseline scenario.

7.59 The application has been submitted with a foul, surface water and SuDS Drainage Strategy which states that *'the proposed surface water drainage strategy will discharge surface water from the proposed residential development into Barge Pier Ditch, at the most appropriate location to the respective 'Home Zone' at Greenfield rates...The proposed drainage strategy will utilise a combination of traditional pipework in coordination with the permeable paving, swales and detention basins to provide sufficient storage to accommodate the 1 in 100 year including 40% climate change rainfall event. The MicroDrainage modelling shows that there is no flooding on the site for the 1 in 100 year including 40% climate change rainfall event.'*

The submitted report concludes *'Therefore, implementing variable greenfield runoff rates within the proposed development in addition to the significant reduction in impermeable area over what was originally proposed, the existing on-site surface water system has sufficient capacity to cater for the proposed development.'*

7.60 In respect to surface water drainage proposals, the Council's SuDS, Drainage and Flooding Engineers have concluded that the SuDS and Drainage Strategy is sufficient for this stage of the development and accords with the drainage design checklist for outline applications. Subject to the imposition of appropriate conditions requiring further details to be submitted at a later date, the Engineers raise no objection to the proposal. Subject to such conditions, the development is considered acceptable and policy compliant in this respect.

7.61 In terms of foul water drainage, the information submitted indicates that there is sufficient capacity within the existing network. This has been confirmed by Anglian Water.

7.62 The information submitted demonstrates that the development would not increase flood risk elsewhere and that the development would be safe for its lifetime. The EA and the Council's Engineers have raised no objections to the proposal, subject to conditions. Subject to conditions, the development is therefore acceptable and policy compliant in the above regards.

Ecology

7.63 Paragraph 170 of the NPPF states that *'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...recognising the intrinsic*

character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...'

7.64 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...opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

7.65 The site consists of semi-improved natural grasslands, a system of drainage ditches, marginal vegetation around standing water, bare ground and soil bunds.

7.66 The site is not subject to any statutory designations, but is located close to the Benfleet and Southend Marshes SSSI, SPA, RAMSAR, Foulness SPA, Foulness RAMSAR and SSSI, Essex Estuaries SAC, Southend-on-Sea Foreshore Local Nature Reserve and is located to the north of the Shoeburyness Old Ranges Local Nature Reserve. The Foulness SSSI and Shoeburyness Old Ranges Local Nature Reserve is located approximately 130m south of the application site at its closest point and the Benfleet and Southend Marshes SSSI is located approximately 320m south at its closest point. The SPAs are designated for their wintering birds and the RAMSAR/SAC sites are also designed for vegetation types.

7.67 The Environmental Statement submitted concludes that the development would have a neutral impact on the SSSIs, a neutral impact on the Local Nature Reserves, a neutral impact on the Local Wildlife sites and by virtue of resulting in an increase in public use of the Shoebury Lake and Grassland Local Wildlife Site the development would meet the Local Wildlife Site (LWS) rationale of allowing the public to experience the habitats here without causing damage to the more fragile areas such as the Old Shoebury Ranges local nature reserve and SSSI. The ES therefore concludes that the impact to the Shoebury Lake and Grasslands LWS would be 'minor beneficial'.

7.68 A Preliminary Ecological Appraisal Report has been submitted which states *'The site supports an exceptional population of common lizards. A translocation effort, which began in 2018 is underway to remove the population to an off-site receptor site. Two off-site ponds have the potential for great-crested newts and three off-site trees feature bat roosting potential. The drainage ditch system has the potential for otters and water voles. The site has limited potential for ground nesting birds, but it provides some foraging opportunities. The habitat off-site has potential to support birds for which the European sites of importance are designated for. The soil bunds have the potential for badgers to make their setts; a large mammal burrow was observed during the walkover. The site does not have the potential to support hazel dormice or white-clawed crayfish.'*

7.69 The report recommends that 3 seasonal bat activity surveys are undertaken; one in spring, one in summer and one in Autumn. The report states that the reptile translocation effort is ongoing in the south of the site. The grassland in the remaining areas are undergoing a strimming regime to keep sward level at ground level. This should continue and the existing reptile exclusion fencing should be maintained. The report recommends that breeding bird surveys and otter and water vole surveys are undertaken and that a badger survey is undertaken. The

report also recommends that a construction environmental method statement is developed prior to the construction phase to minimise the risk of adverse effects on protected species, retained habitats and designated sites which should include details of noise, changes to water table, changes to air quality and dust emissions. In terms of soft landscaping the report recommends that mature trees are retained where possible and protected during construction, that climbers are planted on trellis/fences to increase space for wildlife, and that where non-native species are to be included within the soft landscaping scheme, these are chosen for their wildlife benefits.

Bats

7.70 The application has been submitted with a bat activity report which is described as an interim report as to date only 2 of the 3 bat activity surveys required have been undertaken; one in Spring on 27th May 2020, and one in summer on 6th July 2020 with the autumn survey pending. The spring survey recorded a low level of bat activity over the site with the majority of the calls recorded from common pipistrelles with foraging activity observed in the south and south-eastern corners of the site. One soprano pipistrelle was also detected. The summer survey primarily recorded common pipistrelle foraging activity, with bats observed to the south of the site. Some Leisler's bat activity was also recorded to the north of the site toward the end of the survey. Given the findings of the surveys, the report does not recommend any mitigation. The report does, however, recommend a number of enhancements including bat tubes installed in the brickwork, bat boxes, use of bitumen felt roof lining, lighting should be directed downwards to where it is needed and climbers should be attached to trellis and external walls. These requirements could be secured via standard planning conditions.

7.71 During the course of the application, the third bat activity survey (autumn survey) was conducted (22nd September 2020) and a new bat survey report submitted. This report concludes *'Overall, there was a low level of bat activity largely localised to the south of the site around the drainage ditch. The drainage ditch provides the most significant on-site ecological feature for foraging bats and is to be retained as part of the current proposals. Therefore, the works are not expected to significantly impact on bat foraging opportunities...The conclusions drawn from the activity surveys are in keeping with the conclusions given in the Environmental Statement...The minor loss of any foraging opportunities are mitigated for and enhanced by measures detailed in the Environmental Statement.'* The ES concludes that the proposed new SuDS ponds and proposed greenspace will create additional high-quality foraging habitat to replace that lost to the development. A condition is needed to ensure the ditch corridors are not illuminated via light spill or external lighting.

7.72 Subject to conditions the development is acceptable and policy compliant and no objection is raised on this basis.

Breeding Birds

7.73 The application has been submitted with a breeding bird survey. Surveys were carried out on 14th, 22nd and 29th May 2020. A total of 27 species of birds were identified on site, but none were confirmed to be breeding. 8 were found to be probable breeders and 6 were found to be possible breeders. Species found to be possible breeders included the Cetti's warbler, which were heard calling in the woodland off site, adjacent to the western drainage ditch. This species is listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). The report makes a number of recommendations to minimise the impact on these species, including that any work within 15m of the drainage ditches between March and September (inclusive) must not be undertaken without prior consultation with a suitable ecologist and that the cutting of

grass in the southern sections of the site is undertaken outside of March to September (inclusive) to avoid ground nesting birds. Other recommendations include green roof designs, artificial nest boxes to be provided and soft planting to provide a variety of the grassland areas, shrubs and trees to provide shelter, nesting and foraging opportunities. It is apparent from the Site Wide Landscape Strategy submitted that the landscaping proposed has been selected to provide biodiversity benefits. It is also noted, that as outlined in the Environmental Statement submitted, there is no evidence to suggest that wildfowl and waders use the site itself. Overall, the reduction in nesting opportunities as a consequence of the removal of a small amount of bushes and one small tree are mitigated by the large number of trees and shrubs that are proposed to be planted on site which will provide significantly more nesting opportunities than exist at present. Subject to conditions, it is therefore considered that the development is acceptable and policy compliant in this respect. It is also noted that the Council's Parks team have raised no objection to the proposal, subject to the development being undertaken in accordance with the recommendations and mitigation outlined in the submitted reports.

Great Crested Newts (GCN) and Mammals, including badgers

7.74 The application has been submitted with a Great Crested Newt (GCN) and Mammal Report which confirms that a GCN survey, otter survey, two water vole surveys and a badger survey have been carried out. During a walkover in April 2020, habitats found in the drainage ditches running along the borders of the site were found to be suitable for water voles and otters. Soil bunds were found to be suitable for badgers, three ponds were noted within 250m of the site, and the GCN survey found the ponds to be 'good', 'below average' and of 'poor' suitability. However, the GCN survey returned negative results for the 2 ponds with GCN suitability, indicating that GCNs were unlikely to be present within these waterbodies. No signs of otters or water voles were observed during the survey.

No signs of badger activity were seen during the badger survey. A total of 5 large mammal burrows, likely to be fox, were recorded in a soil bund. The report recommends that the site incorporates planting which would benefit these species. It is apparent from the Site Wide Landscape Strategy submitted that the landscaping proposed has been selected to provide biodiversity benefits. The development is therefore considered acceptable and policy compliant in this respect.

7.75 A number of mitigation measures are proposed within the Environmental Statement submitted, including trenches to be filled in prior to the end of each working day or a plank left between the base of the trench and the surface so that animals falling in can escape, pipework closed at the end of the day to prevent badgers and other animals becoming trapped and internal site fencing, including garden fencing to include gaps at the base of fences to provide hedgehog access post-development, alternatively hedgehog friendly gravel boards could be installed. Hedgehog signs to be installed at each gap to inform residents of their requirement. These measures can be secured via planning conditions.

Invertebrates

7.76 The application has been submitted with a Preliminary Appraisal of Invertebrates Habitats which concludes *'that the invertebrates ecology of this site is unlikely to attain a level of importance that exceeds that of the regional background level. As such any losses to invertebrates ecology arising from the proposed development are likely to be minimal. We are not of the opinion that additional survey work would alter this conclusion and no such further work is recommended.'* Given these findings and given the recommendations of the consultees, it is considered that the development is acceptable in this respect.

Reptiles and amphibians

7.77 The information submitted refers to a 2015 reptile survey undertaken which found common lizards at the site, with a peak count of 28 adult common lizards and 69 juveniles during one visit, indicating a breeding population. No other reptile species were encountered, although the reptile survey technique employed techniques also suitable for recording foraging amphibians and common toad and smooth newt were both encountered during the survey. In 2018 and 2019, a reptile translocation was carried out and 783 common lizards were moved off the site and into a receptor site at Stable Field, Chelmsford. It is stated that the reptile translocation is expected to be completed by Autumn 2020.

7.78 The Environmental Statement recommends mitigation for amphibians including roadways and drainage measures designed to be amphibian friendly, such as wildlife kerbs at drains. This can be secured via conditions.

Botany

7.79 The application has been submitted with a botany survey by DF Clark dated 8th June 2020 which states that the site '*...supports species poor, semi-improved grassland of botanical interest at a local level...No protected plant species listed on Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) were identified on site. Two plant species classified as nationally scarce, yellow vetchling Lathyrus aphaca and divided sedge divisa were identified on site. No invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were identified on site.*' The report makes the following recommendations:

- Vulnerable plant species identified on site should be translocated to a suitable area of the site where the current habitats are to be retained. These retained areas should be protected with exclusion fencing during the construction phase.
- Yellow vetchling is to be managed by late grass cutting (September) to allow the species to flower and set seed.
- The divided sedge should be left uncut with grass cut annually around individual specimens. All grass cuttings should be removed.
- Inclusion of nectar rich, fruiting and seed producing native plants within the redesigned amenity open space will provide foraging opportunities for wildlife.
- Cutting of grassland areas on a bi-annual rotation is recommended to enhance the soft landscaping and provide a degree of cover for wildlife.
- Injurious weeds such as thistle and ragwort should not be allowed to spread to other adjacent sites.

7.80 It is considered that a condition can be imposed on any grant of consent requiring the development to be undertaken in accordance with the above recommendations.

7.81 An additional botanical survey has been submitted by The Landscape Partnership dated 28th July 2020. This report comments that '*...approximately one-third of the southern part of the site comprised semi-improved grassland; the southernmost section however supported mainly marshy grassland, which supports the majority of the botanical interest of the site...Marshy grassland...A number of uncommon plant species, locally notable species with a strongly coastal distribution were encountered...yellow vetchling Lathyrus aphaca...distant sedge Carex divisa...strawberry clover Trifolium fragiferum...corky-fruited water-dropwort Oenanthe pimpinelloides and Lathyrus nissolia...wild celery Apium graveolens...*' The report therefore evaluates the site as being of importance at the district scale for its botanical interest. The report concludes that the unmitigated impact upon the site's semi-natural grassland habitats and flora is severe and negative and considered to be 'major adverse'. It also states that failure to address the invasive, non-native species floating pennywort would result in a spread of this species in the ditch, leading to a loss of biodiversity value which would result in a major negative impact on the ditch itself resulting in a minor adverse significance for the site as a whole.

7.82 However, the report recommends a number of mitigation measures to safeguard the species at the site which are uncommon or declining. The mitigation proposed includes restricting the times of the year that mowing is undertaken, collection of seeds and their subsequent redistribution at different times of the year and to remove the floating pennywort to prevent its harmful rapid expansion. Taking account of these measures, the report concludes that the mitigation impact of the proposed development is re-described to be 'moderate adverse'.

7.83 The ES submitted similarly outlines the mitigation proposed as part of this proposal, which includes the provision of large areas of publicly accessible open space, including areas of wildlife value such as wildflower meadows, a rain garden and butterfly bank and a small woodland in a parkland setting. To mitigate for loss of vegetation, semi-natural planting will include berry-bearing native trees and shrubs to enhance food availability for wildlife. Mitigation also includes new grassland habitats being created to be slightly undulating, to enable colonisation by a range of coastal plant species, new grassland seeded using locally provenanced native meadow mix and supplemented with seed species present on site. Prior to commencement of the development, seeds will also be collected from the uncommon plant species on the site for later broadcast into the new grassland habitats being created on the site, with the least common species grown in plots to form a reserve of local genetic material should the seed fail to establish in the grassland.

7.84 The council Parks Team has concluded that avoidance and botanical enhancement is not possible, but that the development can be mitigated as a result of the measures outlined within the submitted reports. Subject to a condition requiring the mitigation measures described, the development is therefore considered acceptable in this respect.

Biodiversity Enhancements

7.85 Paragraphs 8.7.6, 8.7.7 and 8.7.8 of the Environmental Statement provide a number of recommendations for habitat enhancements from the use of native planting to the provision of bird and bat boxes. Subject to a condition requiring these habitat enhancements, it is considered that the development would be acceptable and policy compliant in the above regards. It is also noted that the council Parks Team has raised no objection to the proposal subject to adherence to the recommendations and mitigation included within the submitted reports.

Habitats Regulations Assessment (HRA)

7.86 The application has been submitted with an Assessment of Potential Impacts on Sites of Special Scientific Interest (SSSI) report which considers the impact of the development on the Foulness SSSI Gunners Park unit which falls within the Gunners Park Nature Reserve, with the other SSSIs considered within the HRA Impact assessment. The report concludes *'In the absence of appropriate mitigation, the proposed development has some potential to negatively impact upon the Foulness SSSI unit...which comprises unimproved grassland developed over relict sand dunes...and the features for which it was designated. The key potential impact upon the sensitive habitats and floral assemblages present within the SSSI unit is increased recreational pressure as a consequence of unauthorised public intrusion within the SSSI unit boundary. The Gunners Park and Shoebury Ranges Nature Reserve already experiences high footfall of recreational visitors, therefore the primary form of mitigation regarding the SSSI will be the continued management of visitor pressure...maintained robust and effective visitor infrastructure features will ensure conservation of the SSSI interest feature.'* The report makes a number of recommendations in this respect including; the repair and maintenance of the existing SSSI unit fence with regular Warden checks of the fence line, upgrading of educational signage, a native hedge planted around the outside of the development and the translocation

of any nationally scarce plant species to other suitable areas of the site and their continued maintenance. These requirements would largely be covered by the S106 RAMS contribution. The requirement for the native hedge and translocation of plants could also be secured via planning conditions. The report concludes that if the recommendations of the report are adopted then the development is not likely to result in any ecologically significant detrimental effect upon the Foulness SSSI unit or the features for which it was designated. Subject to the imposition of appropriate planning conditions and a S106 Legal agreement, the development is therefore acceptable and policy compliant in the above regards.

7.87 The information submitted with the application makes a commitment to provide suitable mitigation measures to protect the European sites. The development has been designed with relatively large areas of open space and play areas which will provide residents a choice of recreation uses within the development with the aim of reducing possible impacts on the designated sites. The applicant is also committed, to provide contributions to off-site mitigation measures in the form of a RAMS (Essex Coast Recreational Disturbance Avoidance and Mitigation) payment to be secured via a S106 agreement.

7.88 The HRA submitted with the application concludes that *'It is likely that there would be a significant effect from increased recreational pressure, with the additional residents of the development visiting European sites and potentially disturbing birds.'* As such, an Appropriate Assessment is required. Open space and play areas have been included within the design of the development to reduce the recreational pressure as a result of the development.

The HRA also recognises that Gunners Park would also meet some recreational needs of residents of the development. The submission concludes *'Despite the size of the proposed development, it is considered to represent only a small part of the overall housing in the area and the increase in residents is likely to have a negligible impact upon European sites. It is ascertained that there would be no adverse effect of the development acting alone on any European sites.'* However, in terms of the impact of the development, in combination with other developments, the submitted report concludes *'It is possible that the development, in combination with other developments in Southend-on-Sea and elsewhere will result in an increase in visitor pressure on European sites...It is not possible in the absence of mitigation to ascertain that there would be no adverse effect on the integrity of European sites.'* However, taking into account that the applicant is committed to pay the necessary RAMS payment required by the RAMS supplementary planning document (SPD), the submitted HRA report concludes that subject to this payment and proposed on-site greenspace and recreational provision being delivered, the development would not give rise to an adverse impact on the European site from the development either alone or in combination with other developments. Subject to such mitigation being secured through the S106 legal agreement, officers similarly conclude that the development is acceptable and policy compliant in this respect.

7.89 Subject to conditions and a S106 agreement, the development is acceptable and policy compliant in the above respects.

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

7.90 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."*

- 7.91 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.'*
- 7.92 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."*
- 7.93 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 and Section 66(1) of the same Act states for development which affects a Listed Building or its setting that special regard shall be had to the desirability of preserving the building or its setting or any feature of special architectural interest that it possesses.
- 7.94 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 development, and respecting the scale and nature of that development"*.
- 7.95 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.'*
- 7.96 Paragraph 194 of the NPPF states *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of...assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
- 7.97 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.'*
- 7.98 Policy DM5 of the Development Management Document also states *'Developments that are close to or in the vicinity of a Scheduled Ancient Monument will be expected to ensure that the Monument and its setting are preserved and enhanced.'*
- 7.99 Paragraph 5.1 of the Garrison Conservation Area Appraisal states *'Architecture...is predominantly military with a mix of residential and functional buildings. The majority of the buildings date from the early years of the Station's development. As a result, they established consistent architectural themes which set the pattern for later development are characteristic of the area:*

- *Consistent materials – stock brick for elevations and boundaries, gauged brick flat arches for wall openings, slate for roofs*
- *Usually, tall storey heights and consequently tall windows and external doors*
- *Pitched roofs and prominent chimney stacks.*
- *A general simplicity of elevational detailing and external joinery but with increased detailing the higher the status of the use or occupants*
- *Large sliding sash windows subdivided with glazing bars and small panels*
- *Other windows (fanlights and door lights) subdivided into small panes.*

7.100 The Conservation Area Appraisal goes on to recognise that *‘The layout and design of new residential development in the Garrison mostly reflect aspects of the Garrison’s historic townscape, architecture and materials.’* (Paragraph 5.4).

7.101 Paragraph 7.5 of the Garrison Conservation Area Appraisal states *‘The townscape character of the Garrison area is dominated by openness. Whilst there is a substantial amount of building in part of the area, and some enclosed spaces, the Garrison has the dominant appearance of its buildings being set in open space. Factors which produce this character include:*

- *the Garrison’s setting on the coast with expansive sea views*
- *the openness of the old ranges which wrap round Garrison’s south and west sides*
- *the detached nature of many of the Garrison’s buildings separated or surrounded by substantial open spaces*
- *Buildings often well set back from road frontages*
- *Varied building alignments*
- *Large mature trees providing screens and backdrops to buildings and reinforce the appearance of open spaces*
- *Long views along the Garrison’s roads.’*

7.102 This application is an outline application with appearance, layout and scale reserved for later consideration. However, indicative and parameter plans have been submitted with the application.

Scale

7.103 Whilst scale is a reserved matter, the parameter plans and masterplan submitted indicate that the scale of the development will be up to 5 storeys. The plans indicate that only a small part of the development would be 5 storeys in height; an area of residential flats to the south-eastern corner of the western part of the site. The heights and levels parameter plan submitted indicates that this 5 storey element would have a height of circa 23.9m AOD. All of the 4 home zones would include elements of development with a 4 storey scale. The northern home zone would be 3-4 storeys in scale with all other areas including 2, 3 and 4 storey buildings. Most of the existing buildings in the immediate vicinity are 2-3 storeys in scale. It is apparent that the majority of the 3 storey houses are similar in overall height to those in the surrounding area with ridge heights of 14m AOD which compares to between 10m and 15.5m AOD in the surrounding houses. Similarly, it is apparent that the majority of the development (some 70%) would have a ridge height of less than 16.5m, which is comparable with the maximum ridge heights on Ness Road and blocks on Magazine Road.

7.104 Whilst in parts, the scale of the development would be greater than that of the surrounding development in the Garrison, the indicative plans submitted indicate that overall, the design has been carefully considered in this respect. It is also evident that the scale of the development would be reduced close to the existing dwellings that are of a lower scale. For example, the majority of the dwellings in Ashes Road to the east of the site are 2 storeys in scale and the parameter plans indicate that in this location the proposed development would similarly be 2

storeys in scale, increasing in height as the distance from Ashes Road increases. Whilst appearance is also a reserved matter, it is also evident that the indicative design which includes pitched roofs and stepped building footprints creates a more a domestic scale to the development. The siting and landscaped setting for the development also softens the development. In general terms, it is therefore considered that the scale of the development, as indicated on the submitted plans is acceptable.

Layout and siting

- 7.105 The indicative layout of the scheme involves the development being provided within 4 different areas or 'home zones'. The layout includes a landscaped setting for each home zone and includes cycle and pedestrian footpaths between the 4 home zones which is positive. The illustrative layout demonstrates that the scheme has a high level of permeability, with pedestrian and cycle routes through the development which is a positive feature. Whilst a reserved matter, the overall site layout and siting of the development as shown in the indicative plans is considered acceptable.

Appearance

- 7.106 Appearance is a reserved matter for later consideration. However, the indicative plans indicate that the development will include repeating shapes and forms across the 4 home zones. This will help provide cohesion and a strong sense of place which is again, a positive feature. The home zone that includes commercial development is different to the residential proposals, but is considered to complement them, creating legibility and an overall cohesive design. The contrasting roof pitches and stepped building lines also help break up the form of the larger blocks which is a further positive feature. The roof form adds variety and interest and offsets the height and scale of the development. The ground floor colonnade features give the impression of the buildings being on stilts and is an attractive design solution to address the flood risk. This is referenced in the shopfronts, providing further cohesion. The health centre includes a feature corner providing a focal point from the north. The landscaped setting of the development is also positive and helps to offset the lack of an active frontage at ground floor level as a result of the facing 'stilt' colonnades which are needed to serve a practical purpose in terms of flood risk. Overall, the indicative appearance of the development is therefore acceptable.

Materials

- 7.107 Limited details have been submitted at this stage given the outline nature of the application. However, the CGIs submitted suggest a high-quality scheme, which includes yellow brick (which is a consistent material used within the Garrison) which is positive. The indicative materials proposed within the Design and Access Statement include yellow stock bricks and slate or zinc roofs. The Design and Access Statement also confirms that *'Buff brick, sandstone, timber weatherboarding and slate roofs are likely to predominate.'* The Design and Access Statement further states *'The apartments have been conceived in the same language and material pallet as the houses towards the outer edge of each home zone so there is a visual continuity...Towards the centre of each home zone the architectural language is proposed to remain the same but with a darker material pallet creating more intimate courtyards...'* Subject to conditions requiring full details of the materials in due course, the types of materials being suggested are considered acceptable.

Landscaping

- 7.108 Landscaping is not a reserved matter and landscaping details have been provided for consideration within the outline application. As noted above, the development is to be set within

a landscaped setting which is a very positive feature of the development. The landscaping proposed incorporates SuDS features and also includes pedestrian and cycle routes through the development and play areas, creating an attractive development.

7.109 The application has been submitted with a Sitewide Landscape Strategy which confirms that 4.5 hectares of the site will be landscaped, publicly accessible open space. The landscape vision for the site, as submitted is: *‘to create a development within a parkland setting that feels ‘green’, natureful and that creates a unique sense of place in addition to improving site wide biodiversity. The landscaped setting to the development is fully publicly accessible and provides a network of walking, cycling paths, play and picnic areas for the benefit of both residents and the local community...The sustainable treatment of water is integral to the landscape design and biodiversity enhancements of the site. Extensive areas of meadow and ornamental planting help to present an attractive, biodiverse environment with a structured, well defined and legible sequence of spaces.’*

The landscaped areas include:

- 7.110
- Southern part of the site: ‘Southern Landscape Buffer’ – Development is set back 80m from New Barge Pier Road. This landscape buffer consists of a bank that slopes downwards into the development towards the ‘gateway ponds’ to form a soft edge, a transition between the development and the open landscape to the south and intermittent screening. This area will benefit from large scale tree planting. The ground flora includes meadow planting and amenity lawn.
 - South of ‘Home Zone 1’ - ‘Gateway SUDs ponds’ – Will contribute to the sustainable management of water across the development and is an opportunity to create a rich aquatic habitat, linked to ditches within the site. To the west is an area of picnic benches and bench seating is proposed around the periphery of the ponds. A two-person zip wire and climbing stones provide play opportunities and mark the start of the greenway path play trail that forms the main pedestrian and cycle route through the site (see below).
 - Western part of the site: ‘Play along the way’ western greenway – This is the area adjacent to the western ditch and will have a wide self-binding gravel cycle and pedestrian path on the eastern bank edge forming a greenway through the site leading to the school and local shops. Children will have opportunities to ‘play along the way’ with a trail of natural, sensory and interpretive play features along the route, such as play boulders and logs, a dry riverbed with stepping stones, a butterfly bank and timber trim trail equipment. Large scale avenue trees will be planted to the east of the path to create a green corridor with intermittent views towards the housing. There will also be meadow grassland and clipped grass.
 - Area between ‘home zone 1’ and ‘home zone 2’ – ‘Southern Park’ – provides an open space and includes a footpath running east-west through a wildflower meadow with mown paths which features a SuDS pond. Designed to be an open and tranquil area.
 - Area between ‘home zone 2’ and ‘home zone 4’ – ‘Northern Park’ – includes an equipped play area. To the east a copse with woodland with understorey planting. The play area is 20m from adjacent residential units and includes timber play equipment, large scale tree planting, will be enclosed by planting and features a mini ‘woodland’ trail. The area includes bench seating, hedge, shrub and ornamental planting, as well as areas of species rich meadows and a feature SuDS pond.
 - Northern part of ‘Home Zone 4’ – ‘Northern Site Entrance’ – Tree planting into a hard landscape.
 - East of ‘Home Zone 2’ – ‘North-south roadside drainage ditches’ – existing verge trees will be retained and verges retained as clipped grass. To the south-western corner an avenue of trees in proposed.
 - ‘Home Zone 3’ – Home Zone 3 Frontage’ – Landscaped frontage wraps around site boundaries and includes areas of formal mown lawn and species rich wildflower

meadow planting enclosed by low hedging and large-scale forest trees

7.111 In terms of trees, the application has been submitted with an Arboricultural Impact Assessment (AIA) which confirms that the majority of tree cover is located offsite, planted along the roadside verge, to the west and south of the site. The AIA also notes that there are some younger, self-set trees within the site and along the eastern boundary. To facilitate the proposal only 2 individual trees and one group of trees will be removed which are all of low or poor quality (category C or U trees), the AIA concluding that their removal will have little impact on the visual amenity of the area. All retained trees will require suitable tree protection and specialist methods of design and construction will need to be employed to minimise any impact on trees to be retained. Subject to a condition requiring the development to be undertaken in accordance with the recommendations of the AIA, the development is considered to have an acceptable impact on the trees within and adjacent to the site and would not materially harm the character and appearance of the site or surrounding area in this regard, especially noting the extensive tree planting proposed as part of this proposal.

7.112 The Garrison is characterised by formal arrangements of open space. Within the proposed development, the landscaping and open spaces proposed are less formal. However, given the location of the site to the west of the Garrison and the sense of place which this large development will create, the more informal landscaping arrangements proposed are considered acceptable and would not materially detract from the distinctive character of the Garrison or the wider surrounding area. Indeed, it adds a level of interest and variety. The Conservation Area appraisal identifies large mature trees that provide screens and backdrops to the buildings as being part of the character of the area. The development proposed includes significant new tree planting adheres to the existing character and is acceptable in this regard. Moreover, the delivery of the new development within a comprehensive landscape setting is a strong and positive design feature of the proposal. The council Parks Team has also requested a condition requiring the landscaping to be maintained for 5 years after planting to ensure its establishment and the replacement of any dead tree and plants within this time. This can be secured with the imposition of a standard planning condition. The open spaces provided as part of the development are to be retained and managed by the developer and as such there is no requirement for a S106 contribution, or similar in this instance. A condition can be imposed requiring the open spaces to be retained and maintained for members of the public in perpetuity. Subject to conditions the proposed development is acceptable in this respect.

Landscape Visual Impact

7.113 The application has been submitted with a Landscape Visual Impact Assessment (LVIA) and there is a proportionate chapter within the Environmental Statement that considered the landscape impacts of the development.

7.114 Key terms within the report are set out in the table below:

Effects	Landscape Character	Visual Amenity
Major Adverse	The proposed development is at considerable variance with the scale, landform and pattern of the landscape, and/or is considerably detrimental to high quality or characteristic features of the landscape.	The proposed development would be visually intrusive and cause significant deterioration in the existing view.
Moderate Adverse	The proposed development is out of proportion with the scale, landform and pattern of the landscape, and/or damages quality or characteristic features of the landscape.	The proposed development causes noticeable deterioration in the existing view.
Minor Adverse	The proposed development does not fit the scale, landform and pattern of the landscape, and/or detracts from quality or characteristic features of the landscape.	The proposed development causes minor deterioration in the existing view.
Negligible	The development would cause very limited changes to the landscape.	The proposed development causes a barely perceptible deterioration in the existing view.
No effect	There would be no effect as a result of the development on landscape character.	No change to views
Minor Beneficial	The Development would complement the scale, landform and pattern of the landscape, whilst maintaining the existing character.	The development would result in minor improvements to the view
Moderate Beneficial	The Development would fit in well with the scale, landform and pattern of the landscape and maintain and/or enhance the existing character.	The development would result in noticeable improvement to the view
Major Beneficial	The Development would fit in very well with the scale, landform and pattern of the landscape and considerably enhance the existing character.	The development would result in highly visible improvement to the view

7.115

7.116

The findings of the reports include:

Landscape Impacts: Construction phase:

- Garrison Area – significance of effects is considered to be *moderate adverse* – due to hoardings and security fencing, increased dust, noise and pedestrian and vehicle movements at the site and uncharacteristic cranes. However, these impacts will be short term and temporary in nature.
- Garrison Conservation Area – the significance of the effects is considered to be *negligible* – Glimpsed views of construction equipment, cranes and workers may be possible over the roof lines of existing houses. In summer months there will be some screening by intervening vegetation. These impacts will be short term and temporary in nature.
- Shoeburyness Area – the significance of the effects is considered to be *negligible* – Works will generate an increase in noise and dust, with construction equipment. cranes and workers visible, but in summer months activity will be screened by intervening vegetation. There could be an increase in traffic. However, these impacts will be short term and temporary in nature.
- Thames Estuary – the significance of the effects is considered to be *negligible* – Works will generate an increase in noise and dust, with construction equipment. cranes and workers visible. However, these impacts will be short term and temporary in nature.

7.117

Landscape Impacts: Completed Development:

- Garrison Area - significance of effects are considered to be *major beneficial* – It is stated that the development would activate a less active area to create a new neighbourhood and provide local services. It is stated that whilst the development would increase vehicular and pedestrian traffic and noise and night-time light emissions, the site is located within a densely populated urban area and will provide the missing link to prevent the Garrison being set apart from surrounding areas. The judgement is that this is a positive effect arising from the development. The development would result in some loss of openness, however, the landscape character of the site is weak with no tree canopy, lack of accessibility and soil heaps and fencing. The proposal includes 4ha of open space, play areas, upgraded footpaths with channelled views along the key routes retaining long distance intervisibility with the surrounding area and coastline. The development will also increase tree canopy cover. This is judged to be an improvement on existing conditions.
- Garrison Conservation Area - significance of effects are considered to be *minor* – It is stated that the proposed development is similar in scale to other built form. The scheme is set back from the road and set within open spaces featuring tree lined avenues providing some continuity of character with the Garrison Conservation Area. There will

be no direct impacts, indirect impacts will be limited to possible increased in pedestrian footfall as a result of an increased number of pedestrians.

- Shoeburyness Area – significance of effects is considered to be *minor* – The built form proposed will be visible as a background feature on the skyline in views channelled eastwards along Church Road. These will be intercepted by intervening vegetation in summer months. Some changes to the skyline will be visible from Campfield Road and some surrounding streets but will not change the character of the area. The main indirect impact will arise from increased vehicular and pedestrian traffic.
- 7.118 • Thames Estuary - significance of effects are considered to be *negligible* – There will be no direct impacts. Indirect impacts will be limited to increased noise and light emissions experienced close to the coastline, and open views towards the development along an already developed and urbanised coastline. Any potential increase in background noise is not judged to be of concern as the Thames Estuary is not a tranquil seascape. The indirect impacts are low level and will be most perceptible close to the shoreline, diminishing in perceptibility with increasing distance from the shoreline.

7.119 The Landscape Visual Impact Assessment (LVIA) states that the area of, and surrounding, the application site has a medium sensitivity to change. The report concludes *‘It is judged that the development is similar in scale to adjacent development and will have a moderate beneficial effect on the townscape character of The Garrison Character area on account that the development of the site will complete the missing link to ensure the Garrison is not somehow ‘set apart’ from the rest of Shoeburyness and development of the site will strengthen the character of the area through a landscaping scheme that reinforces the positive landscape features of the area through the development of the site and provides over 4.5ha of publicly accessible open space and landscaping.*

7.120 In terms of viewpoints, the LVIA submitted considers 12 viewpoints which were chosen to represent the worst-case scenario impacts within the character area that they represent (i.e. where the development would be most prominent). Considering these viewpoints, at year 15, after completion with landscape mitigation, the LVIA concludes that 5 of the 12 viewpoints would have a moderate adverse impact, 1 negligible impact, 1 no effect and 5 would have major beneficial impacts. In addition to this, the 4 areas (as discussed above) would either have negligible or minor (3 of the 4 areas) or a major beneficial impact (1 of the 4 areas). In this respect, the LVIA comments that the ‘moderate adverse’ impacts pertain to visual receptors with long to medium range views towards the development from Gunners Park. The beneficial effects on visual amenity pertain to close and medium range views towards the development and concludes *‘On balance, it is judged that the beneficial effects on visual amenity, which are greater in both number and impact than the adverse effects outweigh any adverse effects.’*

7.121 In terms of landscape visual impacts, the Council’s Design and Conservation Officer recognises the benefits of the significant landscaping proposed in softening the development, that the quality of the scheme with its variety of visual interest, contrast achieved in various massing heights and roof angles and set backs are beneficial in closer views. In these terms, it is considered that the development would be acceptable.

7.122

Impact on Heritage Assets

The application has been submitted with a Heritage Statement which concludes that *‘The proposed scheme will...result in no direct physical harm to any designated or non-designated heritage asset.’*

The submitted report states *‘Due to the distance, as well as intervening modern development and landscape features, as well as the nature, arrangement and relative height of the proposed development within the study site the proposed development has a limited potential to unduly*

7.123 *influence either the character and appearance of the Garrison Conservation Area or the contribution of setting to identified heritage assets...It is concluded that the introduction of carefully considered built form and landscaping to the study site can be introduced without significant harm to any identified designated or non-designated heritage assets. The level of harm has been assessed, and subject to detailed design, is likely to result in no harm to negligible (less than substantial) harm to the significance of these assets.'*

Further information is within the Environmental Statement (ES) submitted. The ES states '*...the bulk of the development...will sit behind intervening modern built form and at distance from the historic core of the Conservation Area. This will ensure that the overriding character and appearance of the Conservation Area will largely be retained unaltered. However, the height and massing of additional built form...does have a potential to influence a number of views into and out of the Conservation Area...The relative height and arrangement of proposed built form within the study site therefore has a potential to creep into distinct views from parts of the Conservation Area – most notably the cricket ground. Due to the spaces between extant modern built form, their height and arrangement development within the study site is likely to be partially visible, albeit filtered, at distance and masked in part by modern development. Views directly across the cricket ground will therefore experience a degree of change in the potential intervisibility of built form and a corresponding change on filtered aspects of 'openness.'* There is also the potential that built form may rise above existing intervening modern built form. These changes will, however, largely fall within the backdrop to the Conservation Area and should be limited to a small percentage of potential views and vistas.'

7.124

In this regard, the ES goes on to conclude '*...the proposed scheme will result in no harm to the character or appearance of the Garrison Conservation Area or the contribution of setting to the ability to understand and appreciate the significance of designated and non-designated assets within the Conservation Area.'*

The Council's Design and Conservation Officer has provided the following summarised comments in respect of the impact on the nearby heritage assets:

- *The LVIA demonstrates that, whilst the development will result in a significant change to viewpoints close to the site, its impact from the wider area, including from the conservation area will be very limited as the development would not break the skyline and would not be visible at all from most of the conservation area.*
- *It has therefore demonstrated that the proposal will not cause harm to the setting of the listed buildings in the Garrison.*
- *The LVIA also highlights that the proposed landscaping will have a significant softening impact on the buildings particularly once they become established including screening them almost completely in longer views.*
- *Outside the boundary of the conservation area the grade II listed experimental casements on the sea wall will have a clearer view of the development although this building is over 400m from the site. The landscaping proposals include the retention of existing trees and new large-scale tree planting around the south eastern corner of the site will be important to mitigate this impact of the development from this location.*
- *It is inevitable that any development on this site will have a significant impact on close views of the site. In this case the LVIA recognises that 'the variety of visual interest is created by the contrast achieved in various massing heights and angles of the roof line and set back of facades bringing a definite style, character and structure to the site' and as such the impact of the development has been judged as having a beneficial impact in closer views. This seems reasonable provided the quality of the scheme is maintained. A scheme of a lower design quality would not be judged so favourably.*

- *It is noted that in addition to the designated heritage assets at the Garrison there are a number of heritage buildings to the east of the site including the grade II* St Andrews Church, South Shoebury Hall which is grade II and closest to the site 135 Ness Road which is locally listed.*
- *The LVIA demonstrates that the proposal will be seen from Church Road outside St Andrews Church but only in the distance and will be screened by landscaping in due course.*
- *South Shoebury Hall, nearby to the south, is surrounded by existing buildings and is consequently very inward looking with no real views out to the surrounding area. Its setting is defined by the walled garden which would be unaffected by the development. The Council has previously granted permission for 6 new houses on the site of the locally listed building at 135 Ness Road which will provide a buffer to the site. These are currently under construction.*
- *There are also several locally listed building further north in Ness Road but these are more remote from the site and any views of the development will be significantly reduced by existing development.*
- *The submitted Heritage Statement concludes that ‘Due to distance, as well as intervening modern development and landscape features, as well as the nature, arrangement and relative height of the proposed development within the study site the proposed development has a limited potential to unduly influence either the character and appearance of the Garrison Conservation Area or the contribution of setting to identified heritage assets.*

7.125 *It is concluded that the introduction of carefully considered built form and landscaping to the study site can be introduced without significant harm to any identified designated or non-designated heritage assets. The level of harm has been assessed, and subject to detailed design, is likely to result in no harm to negligible (less than substantial) harm to the significance of these assets.’ This conclusion seems to be a reasonable assessment of the impact.*

7.126 Given the findings of the submitted reports, including the heritage assessment, ES and LVIA and the comments of the Council’s Design and Conservation Officer, it is considered that the development is acceptable. Some harm to the designated heritage assets has been identified, however, it is considered that this harm would be ‘less than substantial’ as defined by the NPPF. The public benefits of the proposal, including the provision of 214 dwellings with policy compliant affordable housing and the open space provisions proposed would clearly outweigh the less than substantial harm identified. The development is therefore acceptable and policy compliant in this respect.

7.127 In terms of archaeology, the application has been submitted with an Archaeological Desk Based Assessment which states *‘The available archaeological evidence, both within and adjacent to the study site, suggest that it has a low to moderate potential for below ground archaeological remains relating to the Prehistoric period, a very low potential for significant remains dating to the Romano-British, Medieval and Post-Medieval periods and a moderate to high potential for Modern remains of limited archaeological interest.’* The report recommends that a planning condition requiring a field investigation in order to confirm the presence, and if present, the extent, survival, nature, age and significance of remains within the study site and their preservation by record in advance of development is attached to any planning permission granted. In this context, the Council’s archaeology team has raised no objection to the proposal, subject to a condition requiring a watching brief be undertaken by a qualified archaeologist. Subject to such a condition, the development is acceptable and policy compliant in this respect.

Subject to imposition of appropriate conditions in these respects, the development is considered acceptable and policy compliant.

Impact on Residential Amenity

- 7.128 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.
- 7.129 The application seeks to obtain outline planning permission with the details of appearance, scale and layout reserved for later consideration. However, an indicative masterplan has been provided to help assessment at this stage.
- 7.130 Home zone 3 is located to the east of Barge Pier Road and is adjacent to dwellings in Ashes Road. The indicative plans illustrate that the dwellings nearest Ashes Road will be 2 storeys in scale and there is a landscaped buffer between the rear boundaries of the proposed dwellings in home zone 3 and the rear boundaries of the dwellings in Ashes Road of between some 5m and some 12m. The proposed rear elevations are shown to be some 13m to 22m from the rear boundaries of the dwellings in Ashes Road and a minimum of some 30m from the rear elevations of the dwellings in Ashes Road.

As such, it is considered that the indicative design and layout of the development illustrate that the proposal can be developed without any material dominance, overbearing impact, loss of light and outlook, overshadowing or material overlooking or loss of privacy to the existing residents in Ashes Road. Home zone 3 adjoins a school to the north, Barge Pier Road to the west and undeveloped land to the south and as such need not result in any harm to residential amenity in any regard in this respect.

- 7.131 Home zone 4 is located adjacent to an undeveloped site that has planning permission (ref. 19/00834/FULM) for a food store to the north which is currently being implemented, a school to the east and the remaining site to the south so would not result in any material harm to residential amenity in this respect. To the west of home zone 4 are dwellings fronting Ness Road. However, the site is located some 20m from the rear boundaries of the dwellings in Ness Road and the buildings proposed within home zone 4 would be located some 38m from the rear boundaries of the dwellings in Ness Road. Given this degree of separation, it is considered that the development need not result in any material harm to the dwellings in Ness Road in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or material overlooking or loss of privacy. There is a car park proposed within home zone 4, however, this would be located some 25m from the rear boundaries of the dwellings in Ness Road.
- 7.132 The proposed buildings within Home Zone 2 would be located some 45m from the rear boundary of the dwellings in Ness Road, and Home Zone 1 has no immediate neighbours. As such it is considered that the development need not result in any material dominance, an overbearing impact, loss of light and outlook, overshadowing or material overlooking or loss of privacy.
- 7.133 In terms of noise and disturbance, the residential development proposed, given its siting and the separation distances provided is not considered to result in any material harm to the residential amenity of adjoining or nearby residents.
- 7.134 In terms of the commercial uses proposed, whilst no details of the opening hours, delivery times, ventilation and extraction details have been submitted at this outline stage, it is

considered that these details can be secured via planning conditions. Subject to conditions in this respect, it is considered that the proposal would not result in any material harm to the residential amenity of the nearby and adjoining residents.

- 7.135 The application has been submitted with a Daylight, Sunlight and Overshadowing report which includes the following findings:

Daylight – *‘In terms of properties surrounding the development (along Ness Road and Ashes Road), all properties have passed the BRE 25-degree test. Therefore, in accordance with BRE guidance no further analysis is required as the proposed development is not likely to impact on the surrounding daylight.’* However, for completeness the report then further considers the vertical sky component (VSC) for properties in Ashes Road. In this respect, the report concludes *‘Of the 44 windows assessed for VSC along Ashes Road, all 44 passed the VSC criterion (100.00%) and therefore...no further assessment is required and it can be concluded that the development will not adversely impact the surrounding residential access to daylight.’*

Sunlight – *‘In terms of properties surrounding the development (along Ness Road and Ashes Road), all properties pass the BRE 25-degree test. Therefore, in accordance with BRE guidance no further analysis is required as the proposed development is not likely to impact on the surrounding access to sunlight.’*

Overshadowing - *‘The assessment has considered the impact of the development on residential gardens and amenity areas surrounding the proposed development in regard to overshadowing...The results show that the overshadowing effects to these amenity spaces with the development in place is not considered significant and adequate levels of sunlight will be maintained. Results show that amenity spaces within the proposed development and in surrounding areas will receive at least 2 hours of sunlight with the proposed development in place.’*

- 7.136 Given the findings of the submitted Daylight, Sunlight and Overshadowing report it is considered that the development need not result in any material harm to the occupiers of the adjoining and nearby properties in terms of light, outlook and overshadowing. Overall, the development is therefore considered to provide acceptable living conditions for all existing nearby and adjoining dwellings in all regards.

Living Conditions

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

- Minimum property size for residential units shall be as follow:
 - 1 bedroom (2 person units) – 50sqm to 58sqm (depending on the storeys)
 - 2 bedroom (3 person units) - 61sqm to 70sqm (depending on the storeys)
 - 3 bedroom (4 person units) – 74sqm to 84sqm (depending on the storeys)
 - 3 bedroom (5 person units) – 86sqm to 99sqm (depending on the storeys)
 - 4 bedroom (5 person units) – 90sqm to 103sqm (depending on the storeys)
 - 5 bedroom (6 person units) - 103sqm to 116sqm (depending on the storeys)
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a

single bedroom with a minimum width of 2.15m and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

7.138

The following is also prescribed:

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

Light and outlook

- 7.139 Limited details have been submitted at this stage as the layout, scale and appearance are reserved for later consideration, however, in terms of light, outlook and ventilation, it is considered that a scheme of up to 214 dwellings could be provided on the site that provides adequate and acceptable levels of light, outlook and ventilation for any future occupiers. It is also considered that a scheme of up to 214 units could be designed on the site which need not result in unacceptable levels of intervisibility between the units.

Technical Housing Standards

- 7.140 Limited details have been submitted at this stage as the layout, scale and appearance are reserved for later consideration, however, it is considered that a scheme of up to 214 units could be designed on the site, which could satisfy all of the minimum requirements of the technical space standards.

Amenity Areas

- 7.141 Policy DM8 of the Development Management Document states new dwellings should 'Make

provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reason for which will need to be fully justified and clearly demonstrated.'

- 7.142 Limited details have been submitted in this respect, given the outline nature of the proposal. However, the Design and Access Statement does state *'Each house is to be provided with a private garden space located above 6.15m AOD and accessible from the main reception room. Gardens are typically in excess of 50sqm...each apartment is to be provided with a private balcony, accessible from the main reception room. In addition, the apartments are located to allow easy access to the surrounding garden spaces, as well as communal garden spaces, where provided.'*
- 7.143 It is a positive feature of the development that all dwellings will be provided with a private garden area and all flats with private balconies. The information submitted indicates that not all flats will have access to a communal amenity area in addition to the private balcony. However, given that the indicative plans submitted demonstrate that the development is landscape-led and set within a landscaped setting with a good standard of amenity space and play areas, this is considered acceptable.
Based on the application submissions, it is considered that a development of up to 214 dwellings could be provided on the site that would provide acceptable amenity areas for its future residents. No objection is therefore raised on this basis.

Accessibility

- 7.144 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.
- 7.145 The information submitted within the Health Impact Assessment submitted confirms *'The proposed dwellings will comply with the standards set out in the Lifetime Homes Design Guide. In addition, at least 10% of the new dwellings will be built to be wheelchair accessible or easily adaptable for residents to full wheelchair accessibility standards...'* The Design and Access Statement also confirms that all houses would have level access. The applicant's agent has also confirmed in writing that 10% of the dwellings will meet building regulations M4(3) standards with the remainder all complying with building regulations M4(2) which require dwellings to be wheelchair user dwellings or accessible and adaptable respectively. Subject to a condition in this respect, the development is therefore acceptable and policy compliant in this respect.

Refuse and recycling facilities

- 7.146 The Design and Access Statement submitted states that *'All blocks of flats will be provided with a secure enclosed bin store at ground floor level (+3m AOD)...which will be easily accessible at a maximum distance of 10m by waste vehicles from the road.'* In terms of the houses, it is stated that each house will be provided with an enclosed bin store at the front. Concern is raised that refuse stores located to the front of the dwellings could be unsightly and detract from the character and appearance of the development. However, given that this is an outline application, it is considered that conditions could be imposed to limit front aspect bin storage. It is concluded that a scheme of up to 214 dwellings on the site could be designed to provide

suitable refuse and recycling facilities. Subject to conditions in this respect no objection is raised on this basis.

- 7.147 Suitable refuse and recycling stores will also be required for the commercial uses and the health centre proposed. Given the outline nature of the proposal, it is considered that conditions requiring full details of the refuse and recycling stores and a waste management plan should be secured via planning conditions. Environmental Health recommends a condition in this respect.
- 7.148 Subject to conditions, the development is acceptable and policy compliant in the above regards.

Daylight and overshadowing

- 7.149 Whilst layout, scale and appearance are reserved for later consideration, the submitted Daylight, Sunlight and Overshadowing report has considered the daylight levels that would be provided to the dwellings within the proposed scheme. In this respect, the submitted report states *'Of the 1,615 windows assessed for the proposed development, 1,260 passed (78.02%) the VSC [Vertical Sky Component] criteria of 27%; 355 windows failed (21.98%) to meet the VSC of 27%.*

This shows a good level of compliance for this type of development...These results show that that residents of the proposed development will receive adequate levels of daylight throughout the site.' The submitted Daylight, Sunlight and Overshadowing report also concludes that *'...Results show that amenity spaces within the proposed development and in surrounding areas will receive at least 2 hours of sunlight with the proposed development in place.'* Given the findings of this report, it is considered that a scheme for 214 units on the site could be provided ensuring adequate levels of daylight and sunlight and for future occupiers, without material overshadowing of garden areas.

Noise

- 7.150 Paragraph 180 of the NPPF states *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on healthy, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'*
- 7.151 The application has been submitted with an initial risk assessment for noise which concludes that the noise survey measured levels at the site are negligible to low. Internal and external noise level criteria have been proposed in line with British Standards BS 8233:2014. External noise levels are such that no mitigation measures would be necessary to achieve an acceptable internal and external noise environment for future residents. Environmental Health has commented that the submitted documents have been reviewed and are acceptable confirming also that the requirements of British Standards BS 8233:2014 are met for the internal levels. As such, it is considered that the proposal would provide adequate living conditions for future occupiers in terms of noise and disturbance.
- 7.152 In terms of the proposal to include A3 uses, the Environmental Health Team has recommended a condition requiring a detailed noise assessment to meet British Standards BS 4142:2014, to ensure that Home Zones 1, 2, 3 and 4 meet L90 -10dB(A). Conditions are also recommended requiring details of the extraction systems to mitigate odour nuisance. Given that this is an outline application with matters relating to layout, scale and appearance reserved for later consideration, it is considered that conditions can be imposed in this respect to suitably mitigate

any noise or odour and whilst maintaining acceptable living conditions for the future occupiers.

Contamination

- 7.153 Paragraph 170 of the NPPF states *‘Planning policies and decisions should contribute to and enhance the natural and local environment by...remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.’*
- 7.154 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 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.*
- 7.155 The application has been submitted with a Phase 1 Geo-environmental Desk Study and Preliminary Risk Assessment which concludes *‘the identified potential sources of contamination are infilled ground and the rifle ranges. However, ground levels across the site are to be raised, thus limiting exposure to the underlying ground and breaking any pathway between sources and receptors. A hazard assessment was carried out and a risk ranking of low to very low risk was established. Any potential risk to construction workers can be mitigated provided that appropriate precautions are taken in accordance with guidance from the Health & Safety Executive.’* The report recommends a watching brief for signs of contamination during any groundworks involving soils existing on-site and it is recommended that the contractor provides evidence to demonstrate that if material is to be imported to be used in proposed garden or landscaping areas, that it is not contaminated and suitable for purpose.
- 7.156 The Environmental Health Team has reviewed the information submitted and conclude that the submitted documents lack some information, particularly in respect of the southern part of the site. As such, Environmental Health conclude that a Phase 2 assessment is required. The Phase 2 assessment is required due to possible ground gas/CH₄ (Methane) and other contaminants present, to ascertain the remediation/verification that is necessary. Environmental Health recommends conditions in this respect. Subject to such conditions, the development is considered acceptable and policy compliant.

Air Quality

- 7.157 Paragraph 170 of the NPPF states *‘Planning policies and decisions should contribute to and enhance the natural and local environment by...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land stability.’*
- 7.158 The application has been submitted with an Air Quality Assessment (AQA) which concludes that, with no mitigation the potential impact significance of dust emissions associated with the construction phase of the development has potential as ‘medium’ at worst affected receptors. The AQA has therefore recommended site-specific mitigation. With such mitigation, the report concludes that the risk of adverse effects due to emissions from the construction phase will not be significant. Given the findings of the AQA, subject to a condition requiring the development to be constructed in accordance with the mitigation as outlined in tables 6.1 and 6.2 of the

report, no objection is raised on this basis.

- 7.159 The AQA report also concludes that following modelling, there is not predicted to be an exceedance of the air quality objectives for NO₂ (nitrogen dioxide) or PM₁₀ (Particulate Matter) at the proposed or existing modelled receptors. The report therefore concludes that the site is suitable for the proposed development and no further AQA is required. The development is therefore considered acceptable on this basis.
- 7.160 It is also noted that the Environmental Health Team has confirmed that the contents of the AQA are acceptable, that the development would have negligible impact on air quality, and that subject to a condition requiring the development to be undertaken in accordance with the mitigation and dust control methods as set out in table 6.2 of the report, the development is considered acceptable and policy compliant.

Light Pollution

- 7.161 Paragraph 180 of the NPPF states planning policies and decisions should '*...limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*'
- 7.162 The information included within the Environmental Statement recognises that to protect bats, the ditch corridors should not be illuminated via light spill from the proposed buildings, with external lighting in the vicinity of the ditches reduced to a minimum and designed in accordance with Bat Conservation Trust guidelines. The applicant requests, within the submission, given that the application is outline in nature, that the requirement for a Light Impact Assessment be dealt with by a condition.
- 7.163 Environmental Health has noted that no light impact assessment has been submitted with the application and therefore recommend a condition that prior to the first use and occupation of the development details of the external lighting are submitted in order to meet the Institute of Lighting Professional Guidance and to ensure there are no light nuisance impacts within 'home zones' 1, 2, 3 and 4. Given that this is an outline application with matters relating to scale, appearance and layout reserved for later consideration a condition requiring these details to be provided at a later date is necessary and reasonable. Subject to such a condition no objection is raised on this basis.

Unexploded Ordnance Risk

- 7.164 The application has been submitted with a Detailed Unexploded Ordnance Risk Assessment. The site falls within the former Shoebury Garrison and has a military history. The information submitted with this report indicates that the site forms part of the 'Old Ranges' and was occupied by sports pitches at the north and a rifle range at the south during WWII with the site having undergone little post-war development. The report identifies the risk in this respect to be low, increasing to medium for some activities. As such, section 10 of the report recommends a number of mitigation measures including communication and safety planning, safety training, a magnetometer survey to identify any unexploded ordnance buried in the ground, with drilling and sampling below survey depth checked by a specialist engineer and specialist testing. Subject to a condition requiring the development to be undertaken in accordance with the mitigation recommended within section 10 of this report no objection is raised on this basis.

Highways, Parking and Traffic and Transportation Issues

7.165 Paragraph 108 of the NPPF states *'In assessing...specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

7.166 Paragraph 109 of the NPPF states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

7.167 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.'*

Sustainable Transport

7.168 The Transport Statement indicates that there are bus stops on Ness Road/Church Road which are some 420m from the southern site access or 240m from the midpoint of the development. Bus service 9 frequents these stops and connects Shoeburyness, Thorpe Bay, Southend and Rayleigh. The bus runs a half hour service on Monday to Friday and operates from 06:20 to 00:10, a 20 minute service on Saturdays and operates from 06:20 – 00:00 and an hourly service on Sundays operating from 09:15 – 21:48. The numbers 7 and 8 buses are also accessible via Caulfield Road which is some 800m (10 minute walk) from the site which provides access to Rayleigh. The site is located approximately 950m, or a 12-18 minute walk from the Shoeburyness train station which connects to London Fenchurch Street.

7.169 The site is considered to be sustainability located. It is located close to shops and services and is accessible by local bus services and the Shoeburyness railway station. National Cycle Route 16 is located on Ness Road providing links to Thorpe Bay, Southend, Westcliff and Leigh. The development therefore provided opportunities for alternative transport other than the private car. The application has also been submitted with a Travel Plan which seeks to support more sustainable forms of travel and reduce the overall need to travel. It includes measures such as providing cycle parking, promoting and encouraging alternative transport modes, promoting car sharing, encouraging walking, cycling and public transport and assigning a Travel Plan co-ordinator. The Travel Plan can be secured via a planning condition. The development is acceptable and policy compliant in this regard.

Access

7.170 Access is not a reserved matter and details of access have been submitted with this outline application. Vehicular access to the larger western part of the site would be via New Barge Pier Road and New Garrison Road at four locations which already benefit from existing access points: Home Zone 1 benefits from two access points from New Barge Pier Road, Home Zone 2 has one access point from New Barge Pier Road and Home Zone 4 has a single access point from New Garrison Road (which would be shared with the extant food store access to the immediate north of the site). Vehicular access to the eastern part of the site (Home Zone 3) would be via a proposed extension to the northern end of New Barge Pier Road. The Highways Team confirms that the design of the junctions are acceptable to accommodate the

development traffic in terms of capacity and highway safety and have raised no objection to the access proposed. The development is therefore acceptable and policy compliant in this regard.

Highway Network

- 7.171 The Transport Statement (TS) submitted with the application uses the TRICS database to determine likely levels of traffic generated by the development and compares the traffic generated to the previous approved 2016 scheme (15/02053/OUTM) concluding: *'The comparison confirmed that the current development proposal would only lead to a very modest increase in traffic levels during the typical weekday AM peak hour and a decrease during the typical weekday PM peak hour when compared to the aspect of the previously approved proposal that would occupy the application site area. As such, it is concluded that the development proposal should be regarded as acceptable from a traffic generation/ attraction perspective.'*

The Highways Team agrees with the conclusions of the Transport Statement and confirms it is satisfied the applicant has demonstrated that the traffic impact is negligible compared to the extant permission and conclude that the development will not have a detrimental impact on the local highway network. The previous application (ref. 15/02053/OUTM) required a contribution of £30,000 towards the future upgrade of the highway junction of Campfield Road and Ness Road. The Highways Team has requested the same contribution for this application. Subject to a legal agreement requiring such a contribution, the development is acceptable and policy compliant in this regard.

Parking

- 7.172 Policy DM15 states *'All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.'*
- 7.173 The adopted parking standards require a minimum of 1 parking space per dwelling for flats and a minimum of 2 parking spaces for 2+ bedroom dwellings. The parking standards require a maximum of 1 space per 14sqm for A1 food shops, 1 space per 20sqm for A1 non-food shops and A2 financial and professional services and 1 space per 5sqm for A3 cafes and restaurants. D1 medical centres require a maximum of 1 space per full time equivalent staff + 3 spaces per consulting room.
- 7.174 The proposed parking plan submitted indicates that in total 502 parking spaces will be provided at the site, with 78 spaces for the health centre, 16 spaces for the commercial uses, 198 spaces for the houses and 210 spaces for the flats. This is based on 214 dwellings being provided at the site: 99 houses and 115 flats. It is stated that there will be 2 parking spaces per dwelling, 1 space per 1 bed flat and 2 spaces per 2+ bedroom flat. The levels of parking proposed are considered acceptable and appropriate for the various elements of the scheme and are confirmed by the Highways Team to provide policy compliance. It is also noted that the Highways Team conclude that the parking layout ensures that all spaces can be accessed and egressed effectively. It is also noted that the information submitted with the application confirms that the 78 parking spaces proposed for the health centre *'...is in accordance with the NHS parking requirements.'*

Cycle Parking

- 7.175 The information included within the Health Impact Assessment submitted confirms *'Cycle*

parking is provided within the scheme to encourage the frequent use of cycling as a mode of transport. Secure, covered cycle parking will be provided for the residential, health and commercial elements of the proposal. Further information included within the Planning Statement also confirms that the *'development will...provide fully compliant cycle parking provisions...'* Given that this is an outline application with details of layout, scale and appearance reserved for later consideration, it is considered a condition requiring full details of the secure, covered cycle parking for the residential, commercial and health centre can be secured by planning conditions. Subject to such conditions, no objection is raised on this basis.

Construction Method Statement

- 7.176 Environmental Health have recommended a condition is imposed on any grant of consent requiring the submission of a construction method statement which includes details of the control of dust, a dust management plan and hours of work.
Given the nature and scale of the proposal, a construction method statement is considered necessary and can be secured with a planning condition.
- 7.177 Subject to conditions and a S106 legal agreement to secure the £30,000 required for the Ness Road/Campfield Road junction improvements, the highways and parking considerations are acceptable and policy compliant.

Sustainability

- 7.178 Policy KP2 of the Core Strategy states; *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources"* and that *"at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)"*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design. The Sustainability Statement submitted with the application recognises that the development needs to comply with this policy. No details have been submitted at this time, however, given that this an outline application, this is reasonable and it is considered the details of the sustainability requirement can be secured by the imposition of a planning condition. Subject to such a condition, the development is acceptable in this respect.
- 7.179 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. The Sustainability Assessment submitted considers this requirement and states *'The required domestic water consumption target will be achieved through low water fittings, which will also be specified within the non-domestic areas. This may include such items as low flow dual flush toilet cisterns and low flow taps and showers.'* Subject to a condition requiring the development to comply with this requirement, no objection is therefore raised on this basis.
- 7.180 The Sustainability Statement submitted states that the non-domestic buildings proposed (healthcare facilities and retail units) will be assessed against the current BREEAM criteria and will seek to achieve a 'Very Good' rating in accordance with Policy DM2. Given that this is an outline application with details of the scale, layout and appearance reserved for later consideration, it is considered that this requirement can be secured with the imposition of a planning condition. Subject to such a condition no objection is raised on this basis.

Environmental Statement

- 7.181 The application has been submitted with an Environmental Statement (ES) which presents the

findings of an Environmental Impact Assessment (EIA) setting out any significant environmental effects of the proposal, and where appropriate identifies any mitigation measures needed. The ES submitted concludes:

‘The construction phase of the Proposed Development will result in minimal impacts associated with construction traffic and associated noise levels, changes to local landscape character and residential visual amenity. These impacts will be minimised through the use of best practice construction techniques and will be temporary in nature.

7.182 *Most of the impacts arising from the operational phase of the Proposed Development are considered to be Negligible or to deliver betterment with the adoption of mitigation measures, many of which are inherent within the Proposed Development including the socio-economic benefits of providing a new residential population and significant new areas of public open space, together with new community facilities and improvements to local drainage infrastructure and road junctions.*

7.183 *Overall, any significant adverse environmental effects associated with the proposed development can be minimised to an acceptable level through the application of appropriate mitigation measures (which can be controlled through appropriate planning conditions).’* The findings of the ES are noted and officers concur that the development is acceptable in this respect, subject to conditions and a S106 Legal Agreement to secure the necessary mitigation.

S106 and Development Contributions

7.184 Paragraph 56 of the NPPF states *‘Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

7.185 The Core Strategy Policy KP3 requires that:

“In order to help the delivery of the Plan’s provisions the Borough Council will: Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.”

Affordable Housing

7.186 In terms of affordable housing, Policy CP8 of the Core Strategy states *‘Residential development proposals will be expected to contribute to local housing needs, including affordable...provision...To achieve this, the Borough Council will...enter into negotiations with developers to ensure that...all residential proposals of 50 dwellings or 2 hectares or more make an affordable housing or key worker provision of not less than 30% of the total number of units on site.’* Policy DM7 of the Development Management Document requires a tenure mix of 60:40 between social and/or affordable rented accommodation and intermediate housing.

7.187 Paragraph 64 of the NPPF states *‘Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.’*

- 7.188 The LPA needs to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development which is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations”
- 7.189 The scheme is for 214 units, therefore a policy compliant scheme would require the provision of 65 units and to comply with the tenure split of these 65 units, 39 of which should be for social/affordable rent and 26 for intermediate housing.
- 7.190 The application has been submitted with a viability review. A policy compliant affordable housing provision; 30% affordable units on site with a 60/40 tenure split in favour of rented tenure is being proposed by the applicant.
- 7.191 The Council has had the viability assessment submitted independently reviewed. The independent review concludes that the scheme is able to viably deliver the required affordable housing. As such, the development is acceptable and policy compliant, subject to the completion of a S106 agreement in this respect.

Education

- 7.192 For information, primary education is covered by the Community Infrastructure Levy, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests). This development would be required to provide a financial contribution of £493,000.40 for secondary education. The council Education Team has confirmed that the secondary catchment area for the development is Shoeburyness High School which has no capacity currently but has the potential to add to the numbers planned. As such, this contribution is deemed reasonable and necessary to make the development acceptable to address the increased demand for secondary school places as a result of this development.

Highways

- 7.193 The council Highways Team have requested a contribution of £30,000 towards junction improvements at the Ness Road/Campfield Road junction. The submitted Transport Statement considers the proposal on the basis of the extant planning permission under reference (15/02053/OUTM) and considers the increase in vehicle movements over and above that permission. That permission (15/02053/OUTM) was deemed acceptable in traffic and transport terms, subject to a S106 legal agreement, similarly requiring a contribution of £30,000 towards improvements to this junction. Given that there have been no material changes to Policy, or the junction since the determination of this application, such a contribution remains necessary and reasonable.

Public Open space

- 7.194 The development includes significant areas of public open space and play equipment. It is not proposed for these areas to be transferred to, or be maintained by the Council. As such there is no need for a legal agreement in this respect. However, a condition can be imposed in this regard to ensure that the open spaces are maintained and retained in perpetuity for use by the community.

RAMS

7.195 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The adopted RAMS Supplementary Planning Document (SPD) requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. As such a contribution of £26,874.12 is required in this respect. Such a contribution is considered necessary and relevant to the proposal given the above.

S106 Summary

7.196 The following S106 contributions are proposed, which have been agreed with the applicant's agent and a S106 in this respect is therefore recommended:

- 30% units of affordable housing on site (65 units) – with a 60/40 tenure split (39 social/affordable rent and 26 intermediate units).
- £493,000.40 contribution towards secondary education towards Shoeburyness High School.
- Essex RAMS payment of £26,874.12 to mitigate the potential disturbance to European designated sites.
- £30,000 highways contribution towards improvements to Campfield Road/Ness Road junction improvements.
- Monitoring fee £10,000.

Community Infrastructure Levy (CIL)

7.197 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. As this is an outline application, the CIL amount payable will be calculated on submission of a reserved matters application when the floorspace figures will be confirmed.

8 Conclusion

8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed development is acceptable in principle and provides an appropriate dwelling mix, is acceptable in terms of flooding, ecology, design and impact on the character and appearance of the site, wider surrounding area and nearby designated heritage assets. The development would not result in any material harm to the residential amenity of nearby residents and provides acceptable living conditions for future occupiers. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development.

8.2 The development constitutes sustainable development, providing economic, social and environmental benefits. Any limited harm identified as a result of the proposal is clearly outweighed by the benefits of the proposal, including the provision of 214 additional dwellings and provision of policy compliant affordable housing. Subject to conditions and the completion of a S106 legal agreement, the application is therefore recommended for approval.

9 Recommendation

9.1 Members are recommended to:

(a) **DELEGATE** to the Interim Director of Planning or Group Manager of Planning & Building Control to **GRANT PLANNING PERMISSION** subject to the following conditions and following the completion of a **PLANNING AGREEMENT UNDER SECTION 106** of the Town and Country Planning Act 1990 (as amended) to secure the provision of:

- 30% units of affordable housing on site (65 units) – with a 60/40 tenure split (39 social/affordable rent and 26 intermediate units).
- £493,000.40 contribution towards secondary education.
- Essex RAMS payment of £26,874.12 to mitigate the potential disturbance to European designated sites.
- £30,000 highways contribution towards Campfield Road/Ness Road junction improvements.
- Monitoring fee £10,000

(b) The Interim Director of Planning or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above requirement, so long as planning permission when granted and, where it is used, the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

General Conditions

01 Details of the appearance, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 No development, other than site preparation works and any works required to comply with requirements of other conditions on this permission, shall take place on site until a phasing plan has been submitted to and approved in writing by the local planning authority. Following approval of the plan, each phase shall be completed in accordance with the plan before the next phase commences.

Reason: To ensure a coordinated development that complies with the National Planning Policy Framework (NPPF) and the requirements of the local development plan.

03 The development shall be carried out in accordance with the approved parameter plans which set out the parameters for the heights and levels of the development, the locations

of the different uses across the site, the landscaping and the access and movement arrangements for the site: 032-S2-P403-E, 032-S2-P402-E, 032-S2-P401-D, 032-S2-P001-C, 2166-00-20-B.

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

- 04 The development hereby approved shall include no more than 214 dwellings, no more than 1,000sqm health centre (Use Class D1) and no more than 400sqm of commercial floorspace (Use Classes A1, A2 or A3).**

Reason: To define the scope of the permission and to ensure that the development meets the requirements of the Development Plan.

Design and Heritage related conditions

- 05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until full 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, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies 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 details before the dwellings or non-residential parts of the development hereby approved are first occupied or brought into use.**

Reason: To safeguard character and appearance of the area and the visual 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).

- 06 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted planning permission shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed buildings. Before a building hereby approved is occupied the building shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 07 Notwithstanding the information submitted with the application, no development shall be undertaken, unless and until a field investigation including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the local planning authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting**

below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before the development is brought into first use.

Reason: Required to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).

- 08 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.**

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

Construction related conditions

- 09 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy to include Noise and Dust Mitigation Strategies has been submitted to, and approved in writing by the local planning authority. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full 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, dirt and noise 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.**
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.**
- viii) details of the duration and location of any noisy activities.**

Reason: This is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 10 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).

Landscaping and ecology conditions

11

Notwithstanding the details shown on the plans hereby approved no development shall take place, other than ground and site preparation works, 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 and a landscaping phasing plan setting out the timescales for the implementation of the hard and soft landscaping.

This shall include full 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, including any earthworks to be carried, all means of enclosing the site and full details of the play equipment, benches and associated facilities proposed.

All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. 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.

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).

12

All of the landscaped areas and open space including play equipment, benches and associated facilities hereby approved shall be provided prior to the first occupation of any part of the phase of the development hereby approved they fall within and shall be retained and maintained in perpetuity for the occupants of the development and the wider community.

Reason: in the interests of amenity in accordance with the National Planning Policy Framework (2019) and 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).

13

The development hereby approved shall be implemented and operated thereafter in strict accordance with the biodiversity mitigation measures outlined at paragraph 8.7.2 of the Environmental Statement which includes mitigation in relation to habitats, rare plants, amphibians, reptiles, breeding birds, badgers, mammals and bats. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14

The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures of the Breeding Bird Survey by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCEP 3398 including the mitigation measures outlined at paragraph 6.5 of the report.

Reason: In the interest of biodiversity in accordance with National Planning Policy

Framework (2019) and 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 and operated thereafter in accordance with the findings, recommendations and mitigation measures of the Great Crested Newt and Mammal Report by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCP 3398 including the mitigation measures outlined at Chapter 6 of the report.**

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 16 The development hereby approved shall be implemented in strict accordance with the ecological enhancement measures outlined at paragraphs 8.7.6, 8.7.7 and 8.7.8 of the Environmental Statement. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.**

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 17 The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures contained within the Botany reports submitted, including the mitigation at paragraph 5.2 of the Botany Survey by D F Clark Bionomique Ltd dated 8 June 2020 ref. DFCP 3398 and the mitigation and avoidance measures outlined in chapter 5 of the Botanical Survey by The Landscape Partnership dated 28 July 2020 ref. E20841.**

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

Trees

- 18 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations and conclusions of the Arboricultural Impact Assessment by D F Clark Bionomique Ltd dated 27 May 2020 ref DFCP 3398 including the mitigation outlined within Chapter 5 and the Tree Protection Plans included in Appendix 5 of the report ref. DFCP 3398 TPP (1 of 5, 2 of 5, 3 of 5, 4 of 5 and 5 of 5).**

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

Parking and highway conditions

- 19 The development shall not be first occupied unless and until 502 on site car parking spaces comprising 210 spaces for the flats, 198 spaces for houses, 16 spaces for the**

commercial (Class A1, A2 and A3) uses and 78 spaces for the Health Centre (Class D1) use have been provided and made available for use in full accordance with drawing 032-S2-P003 Rev. H, 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 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).

- 20 The development shall not be first occupied or brought into first use unless and until full details of the covered and secure cycle parking to serve the health centre, commercial and residential parts of the development hereby approved have been submitted to and approved in writing by the local planning authority. Each building in the development shall be carried out in accordance with those approved details before the building is first occupied or brought into first use and the development shall be retained as such in perpetuity.**

Reason: To ensure that adequate cycle parking is provided and retained to serve the commercial development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Plan (2015).

- 21 The approved Travel Plan (ref. Travel Plan dated July 2020 ref. IT1971TPF_22.07.20_Issued) 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).

- 22 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition before the dwellings hereby approved are first occupied or the commercial (Classes A1-A3) or Health Centre (Class D1) uses are brought into first use and shall be maintained as such in perpetuity.**

Reason: To ensure that adequate car parking arrangements are provided 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).

- 23 Prior to the first occupation of any dwelling, details for the Residential Travel Packs shall be submitted to and approved in writing by the local planning authority. The approved travel packs shall then be provided to each dwelling within 1 month of occupation.**

Reason: In the interests of sustainability 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).

Waste Management

- 24 No part of the commercial (Classes A1-A3) or Health Centre (Class D1) uses hereby approved, shall be 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).

- 25 The residential dwellings hereby approved shall not be first occupied unless and until full details of the refuse and recycling stores have been submitted to and approved in writing by the local planning authority. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling to which they relate and shall be retained as such in perpetuity.**

Reason: To ensure that the development provides adequate refuse and recycling facilities 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).

Flood and Drainage conditions

- 26 The development hereby approved shall be implemented and undertaken in strict accordance with the findings, recommendations and mitigation measures, including within Chapter 5, and including the minimum floor levels as set out within Chapter 5 (no habitable accommodation below 6.50m Above Ordinance Datum (AOD)) and the resilience measures as outlined within parts 5.30, 5.31, 5.32 and 5.33 of the submitted Flood Risk Assessment by Ardent ref.185320-01B dated July 2020. All ground levels are to be set with development platforms to 3.0m AOD for residential apartments and 6.0m AOD for residential houses and all domestic dwellings must have provision for refuge greater than the 0.1% Annual Exceedance Probability (AEP) plus climate change level of 6.5m 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.

- 27 The development hereby approved shall be undertaken and operated in accordance with the Flood Response Plan submitted by Ardent ref. 185320-08B dated July 2020 including its recommendations at Chapter 4.**

Reason: To ensure the approved development is safe in flood risk terms in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

- 28 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.

- 29 Notwithstanding the provisions of the Town and Country Planning Act 1990 (As amended) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revising or re-enacting that legislation with or without modification, no garages or undercroft parking areas nor any non-habitable accommodation in the scheme below a level of 6.50m AOD shall be converted into habitable accommodation at any time.**

Reason: To ensure the approved development is safe in flood risk terms in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

Nosie and odour related conditions

- 30 No extraction and ventilation equipment for the proposed non-residential uses hereby approved (Classes A1-A3 and D1) shall be installed until and unless full details of their location, design, appearance and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into first use. With reference to British Standard BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.**

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

- 31 None of the commercial (Classes A1-A3) or health centre (Class D1) uses 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).

- 32** 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).

Use class conditions

- 33** The commercial (Classes A1-A3) and Health Centre (Class D1) uses hereby approved, as identified on plan number 032-S2-P401 rev. F shall only be used for purposes falling within use classes A1, A2 or A3 or D1 as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted and 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).

Accessibility

- 34** No development other than site preparation works shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

Lighting

- 35 **No external lighting shall be installed in the development hereby approved unless it is in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The ditch corridors shall not be illuminated directly or as a result of light spillage.**

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity 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).

- 36 **No development above ground floor level shall be undertaken unless and until a Light Assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details in perpetuity.**

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity 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).

Sustainability

- 37 **Prior to construction of the development hereby approved above ground floor slab level 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. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition. 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).

- 38 **Prior to construction of the development hereby approved above ground floor slab level details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be included within the development and shall be submitted to and agreed in writing by the Local Planning Authority. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition and shall be retained as such in perpetuity.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

- 39 No part of the non-residential development hereby approved shall take place above ground floor slab level until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve Very Good BREEAM level.**

Reason: This condition is required in the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 40 No part of any non-residential building hereby approved shall be first occupied unless and until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating "Very Good" has been achieved for that building.**

Reason: In the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

Contamination and associated conditions

41 A. Site Characterisation

No development other than site preparation works 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 site preparations works 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).

42 The development hereby approved shall be implemented and undertaken in strict accordance with the findings and recommendations and mitigation, as outlined in Section 10 of the Unexploded Ordnance Assessment by MACC ref. 6503 V.1.0 dated 11/05/2020.

Reason: In the interests of the residential amenity of the area in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

CCTV

43 NO CCTV shall be installed in the development hereby approved unless 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).

- 44** The development hereby approved shall be implemented and undertaken in strict accordance with the findings and recommendations and mitigation, as outlined in Tables 6.1 and 6.2 of the Air Quality Assessment by WYG ref. A117624. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures and mitigation shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

Reason: In the interests of the residential amenity of the area in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

- (c)** In the event that the planning obligation or other means of securing the financial contribution referred to in part (a) above has not been completed by 16th December 2020 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, would not provide adequate levels of affordable housing, would not provide any secondary education contributions to mitigate the development, or the necessary highways contribution contrary to National and Local planning policy.

Informatives:

- 01** Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.
- 03** Should the applicant require roads within the development adopted the Council's highways tea should be contacted.
- 04** 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 highways 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.
- 05** The development site is within 15m of a sewage pumping station which requires access for maintenance and will have sewage infrastructure leading to it and cannot be easily relocated. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no

development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

06

If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will then advise them of the most suitable point of connection. 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.

07

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08

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.

09

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.

10

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.

11

Given the scale of the development, a Prior Consent under Section 61 COPA (1974) shall be required with Regulatory Services at Southend Borough Council. Construction and Demolition shall also be undertaken in accordance with London Good Practice Guide.

12

The additional SuDS and drainage information that will need to be submitted as part of condition 25 includes

- i i. Adoptable SuDS and drainage by Anglian Water need to be in line with the 'Design and Construction Guidance'. Evidence of the agreement in principle with Anglian Water is required to ensure that the SuDS/drainage systems will be maintained in perpetuity.
- ii ii. A plan showing the SuDS/drainage elements managed by the different parties (SBC, Anglian Water, Management Company) to be provided.
- iii iii. Catchment plan showing impervious and pervious areas (positively and non-positively drained) to be provided.
- iv iv. Greenfield runoff rates are calculated for all the site area. Greenfield runoff rates should be calculated for areas positively drained (pervious or impervious). It is unclear if all areas are positively drained (pervious and pervious) into the system, but calculations and modelling suggest that only impervious areas are positively drained. Greenfield runoff will need to be re-calculated. Also, the greenfield runoff rate for the 100 year should be reduced to take into account the extra discharge of Long Term Storage. This could have an impact on the storage requirements.

- v v. Long Term Storage is estimated, but it is not clear how this is going to be provided in the site (i.e. part of main attenuation feature or separate storage area).
 - vi vi. The SuDS/drainage strategy should consider the effects of submerged outfalls in the Barge Pier Ditch.
 - vii vii. Consideration should be given to un-lining system in areas of less risk of high groundwater table and pollution (incl. consideration of land contamination).
 - viii viii. Exceedance routes to be shown on plan.
 - ix ix. Phasing Plan to be provided as part of the Drainage Strategy.
 - x x. Management of Health and Safety Risks to be provided as part of the Drainage Strategy.
 - xi xi. Construction details (including flow controls) to be provided.
 - xii xii. Management of groundwater and land drainage (from external areas and from pervious areas within the development) to be provided
 - xiii xiii. Additional information in line with Detailed Drainage Design Checklist (Essex County Council).
- 13** Max development height in this area is 161.46m AOD. All aspects of the development must comply with CAP168 and EASA regulations including lighting, landscaping and renewable energy sources.
- 14** 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.
- 15** The applicant is advised that refuse stores should not be prominently located within the development. As such it is recommended that the refuse stores are not located to the front of the dwellings.
- 16** The Council will need to retain access across the site to maintain its land and infrastructure in perpetuity.
- 17** No waste as part of the development shall be burnt on site.