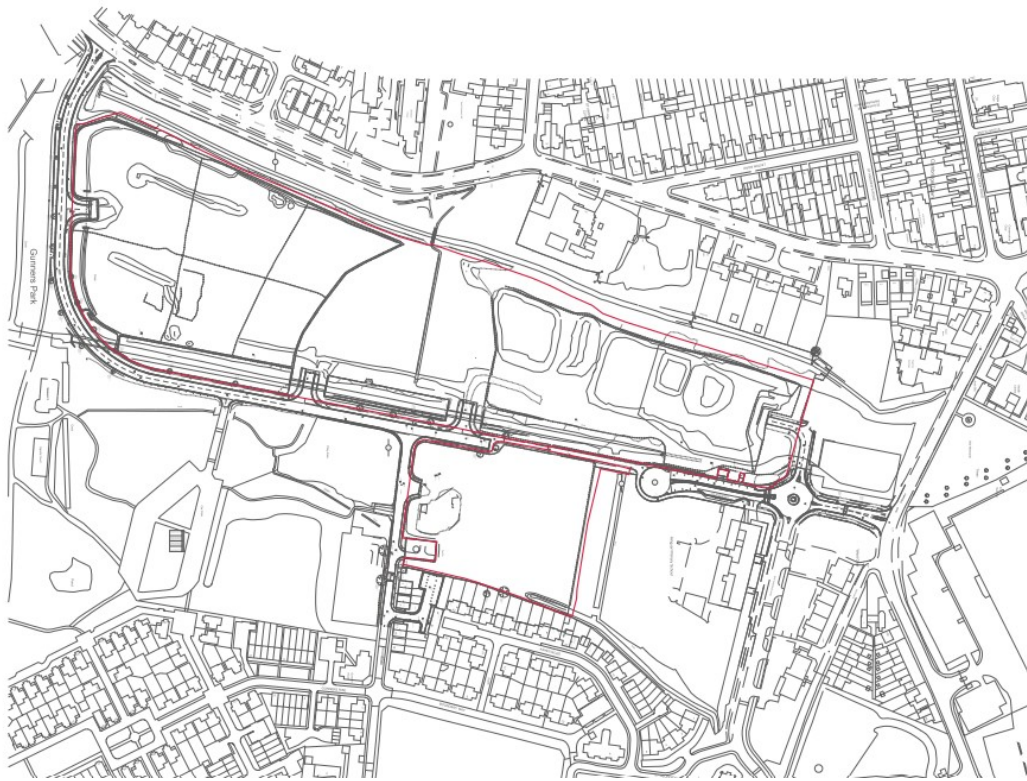


<b>Reference:</b>	22/01602/RES	
<b>Application Type:</b>	Reserved Matters	
<b>Ward:</b>	Shoeburyness	
<b>Proposal:</b>	Approval of Reserved Matters (Appearance, layout and scale) for the engineering works required to raise the levels of the site to create the development platforms and associated infrastructure works. Submission of details for conditions 2 and part discharge of conditions 7, 8, 9, 13, 16 and 17, in relation to the engineering works of planning permission 20/01227/OUTM dated 26.02.2021 - 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)	
<b>Address:</b>	Land Between Barge Pier Road and Ness Road, Shoeburyness, Southend-on-Sea, Essex	
<b>Applicant:</b>	Bellway Homes Essex	
<b>Agent:</b>	Savills	
<b>Consultation Expiry:</b>	23.11.2022	
<b>Expiry Date:</b>	02.12.2022	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>BA9923-SK011-02 (Site Location Plan)</b> <b>2105160-140-P3 (Earthworks Surcharge Strategy Plan)</b> <b>2105160-141-P1, 2105160-142-P1, 2105160-143-P3 (Cut and Fill Sections)</b> <b>2105160-131-P2, 105160-130-P2, 2105160-132-P2 (Earthworks Surcharge Drainage Strategy Plans)</b> <b>BA9923-SK017-01, BA9923-SK012-04 (Phasing Plans)</b>	
<b>Additional information:</b>	<b>Preliminary Land Raising Strategy IDOM reference PLRSR-22438-22-101-Rev C dated 09.08.22</b> <b>Overview of Engineering Works</b> <b>Letter from Argent Consulting Engineers reference BC/2105160/ Site layout changes–Flood risk – dated 10.10.22</b> <b>BA9923-SK-036 AOD Level Comparisons – Diagram for Information only</b>	

	<p><b>BA9923-SK8-02 Site Sections – Diagram for information only</b></p> <p><b>Construction Management Plan Rev C by Bellway dated 07.11.22</b></p> <p><b>Written Scheme of investigation for a Geoarchaeological Borehole Survey by RPS JAC27603 dated May 2022</b></p> <p><b>Geoarchaeological Borehole Survey by RPS reference JAC27603 dated May 2022</b></p> <p><b>Updated Ecological Assessment by SES dated August 2022</b></p> <p><b>Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22</b></p> <p><b>Ecological Condition Discharge Document: Conditions 13 and 16 Partial Discharge Relating to Badgers Rev B- by SES dated 08.11.22</b></p> <p><b>Badger Set Location Plan dated October 2022</b></p> <p><b>Email from agent dated 30.09.22 regarding Badger Mitigation</b></p> <p><b>Condition 17 Compliance Note by SES dated 18.11.22</b></p>
<p><b>Recommendation:</b></p>	<p><b>A) APPROVE RESERVED MATTERS in relation to the engineering works only pursuant to condition 01 of planning permission ref 20/01227/OUTM subject to conditions.</b></p> <p><b>B) GRANT DISCHARGE OF THE FOLLOWING PLANNING CONDITIONS in FULL or PARTIALLY for planning permission 20/01227/OUTM:</b></p> <ul style="list-style-type: none"> <li>• <b>Condition 02 (Phasing Plan) ( Partial discharge)</b></li> <li>• <b>Condition 07 (Archaeological Recording) (Partial Discharge)</b></li> <li>• <b>Condition 08 (Existing and Proposed Levels) (Partial Discharge)</b></li> <li>• <b>Condition 09 (Demolition and Construction Management Plan (Engineering Works only)) (Partial Discharge)</b></li> <li>• <b>Condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures) (Partial Discharge)</b></li> <li>• <b>Condition 16 (Timetable for Ecological Enhancement Measures) (Partial Discharge)</b></li> <li>• <b>Condition 17 (Botany Reports) (Partial Discharge)</b></li> </ul>



## 1 Site and Surroundings

- 1.1 The application site consists of 2 parcels of land totalling some 8.51 hectares (ha); the larger of the two is some 7.1 ha and is to the west of New Barge Pier Road and the smaller site to the east of New Barge Pier Road is some 1.4 ha. The site is undeveloped, but there are existing access points into the site. The site is relatively flat lying at 1-3m AOD (Above Ordnance Datum). The larger part of the site is roughly rectangular in shape and is to the south of the recently constructed Lidl store and to the east of dwellings in Ness Road. The land to the south and southeast of the site is Gunners Park public open space. The smaller part of the application site is to the east of the larger site. This area is directly south of Hinguar School, to the north of the Gunners Park 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 are commercial uses and a school and the land to the south is undeveloped.
- 1.3 The Shoebury Garrison Conservation Area is located 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 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 Nos 135 Ness Road, 121 Ness Road and 109 Ness Road. To the north of the site is the Grade II listed Shoeburyness War Memorial. The 'Danish Camp' prehistoric settlement Scheduled Monument is some 300m to the east. The site is mainly open scrub land with a few trees mostly along the western boundary. There are no Tree Preservation Orders (TPOs) on the

site.

- 1.4 The larger, western part of the site is bounded by Barge Pier Ditch to the east (within the application site boundary) and New Barge Pier Road to the south and by the River Shoe/flood alleviation ditch (C-X Ditch) to the west (outside site boundary). There are no public rights of way on the site, however, there are two footpaths running through the site, one running 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.
- 1.5 The land to the south and southeast 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.
- 1.6 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 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 20/01227/OUTM was granted on 26<sup>th</sup> February 2021 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. That outline permission granted approval for matters relating to means of access and landscaping only, with matters relating to appearance, layout and scale reserved for later consideration.
- 2.2 The current reserved matters application seeks permission for the engineering works required to raise the levels of the site to create the development platforms on which the residential dwellings will then be built, and associated infrastructure works in association with outline planning permission 20/01227/OUTM. Within the development areas the land will be raised to two levels, the lower level between 3m and 3.5m and the upper level of 6.5m. Consistent with the flood risk and mitigation strategy for the approved outline approval, this is required to raise the development above the flood plain. Full details of the process for achieving this are set in section 7 below. Further application(s) will be submitted in due course for the approval of reserved matters in relation to appearance, layout and scale of the proposed development.
- 2.3 This application also seeks to partially discharge the details of the conditions relating to preliminary works at the site. The scope of conditions proposed for discharge was amended during the course of this application such that full, or partial discharge as relevant, is now sought for condition 02 (Phasing Plan), condition 07 (Archaeological Recording), condition 08 (Existing and Proposed Levels), condition 09 (Demolition and Construction Management Plan for Engineering Works only), condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures), condition 16 (Timescale for the implementation of Ecological Enhancement Measures), and condition 17 (Botany Reports) in relation to the engineering works associated with planning permission 20/01227/OUTM.

### 3 Relevant Planning History

3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

**Table 1: Relevant Planning History of the Application Site**

Reference	Description	Outcome
20/01227/OUTM	Approval of reserved matters pursuant to condition 17 of planning permission 20/01479/BC4M dated 06.09.2021, comprising details of access, appearance, landscaping, layout and scale for 218 units with associated 108sqm of cafe (Use Class E); 86.8sqm of Office (Use Class E); Porters Park, associated landscaping; provision of new road with access from Chichester Road with associated public realm and infrastructure; parking and temporary parking arrangements; with accompanying information to part discharge conditions: Condition 20 (Statement of Compliance against the Design Code), Condition 30 (Archaeological Written Scheme of investigation), Condition 32 (Daylight, Sunlight and Overshadowing assessment), Condition 33 (Wind/Micro-Climate Assessment), Condition 34 (Visual Impact Assessment), Condition 45 (Foul Drainage Strategy), Condition 49 (Energy Strategy), Condition 59 (Travel Plan) and Condition 62 (Noise Impact Assessment).	Granted 26th February 2021
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.
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.	EIA development and Environmental Statement required.
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.
20/00823/BC3M	Temporary storage of soil at New Barge Pier Road	Planning permission granted.
12/01198/BC3M	Temporary storage of soil and install wheel	Planning

	cleaning apparatus at New Barge Pier Road	permission granted.
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. <i>Reserved matters never submitted</i>
14/00566/OUTM	Erect 172 dwellinghouses and 15000sqm of Offices (Class B1) (outline application)	Withdrawn
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.
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
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.
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 6 <sup>th</sup> February 2004.

## 4 Representation Summary

### Public Consultation

- 4.1 42 neighbouring properties were consulted, 6 site notices were displayed and the application was advertised in the press. 6 letters of representation have been received following two rounds of public consultation which make the following summarised comments:

- This site is in a floodplain and not suitable for development. This is against Government Policy. New homes should not be built in this area which is vulnerable to flooding. The Environment Agency should be consulted.
- A flood risk assessment should be submitted.
- Concern that the proposed platforms will increase flooding on neighbouring properties.
- There are no new east west roads proposed – this will result in congestion.
- General concerns over traffic congestion, noise and pollution.
- The building should not be raised more than 1 storey as this will impact on estuary views from existing properties.
- Local residents need further opportunities to discuss the proposals for this site.
- Loss of privacy and daylight due to raised land levels.
- Local wildlife needs to be protected.
- A health centre in this area is no longer proposed by the NHS.
- The conditions in the outline approval must be retained.

4.2 These concerns are noted and those considerations relevant to planning have been taken into account in the assessment of the application but are not found to constitute a reason for refusal in the specific circumstances of this case.

### **Highways**

4.3 No objections. The applicant has provided a comprehensive construction management plan which covers a revised delivery route based on discussions with the Local Highway Authority. This is acceptable in all aspects of the impact on the public highway linked with the development proposals.

### **Environmental Health**

4.4 The proposed Construction Management Plan is acceptable.

### **Southend Museum Archaeology Curator**

4.5 No objections to the commencement of the Stage 3 (Paleoenvironmental assessment) as recommended in Sections 8.2.1-8.2.2: of the Geoarchaeological Borehole Survey.

### **Lead Local Flood Authority**

4.6 No objections to the ground raising and ground water aspects of the works subject to a condition to demonstrate the existing drainage channels are in an appropriate condition. Full drainage details for the development will be required in due course.

### **Environment Agency**

4.7 The proposed land raising is in line with the previous modelling that we approved for the site and which was confirmed as suitable in our response referenced AE/2019/124421 and found to be acceptable in terms of demonstrating impact on flood risk.

### **Anglian Water**

4.8 No comments as this does not relate to an Anglian Water network.

## **Natural England**

- 4.9 This proposal falls within the zone of influence of one or more of the European designated sites so you should consider whether it within the scope of the RAMs. If it does you should undertake a Habitats Regulations Assessment Stage 2 to secure any appropriate habitats mitigation.

Officer Comment: A RAMs mitigation payment has already been secured in the S106 for the outline application.

## **Essex Wildlife Trust**

- 4.10 We are satisfied with the conclusions of the ecological reports and have no further comments to submit.

## **Essex Badger Protection Group**

- 4.11 Given that additional setts have been located on the neighbouring EWT (Essex Wildlife Trust) site, we are happy to remove our objection provided the sett closures are carried out in strict accordance with the "Ecological Discharge Document" from SES dated August 2022" and that the badger mitigation measures during construction are conditioned.

## **London Southend Airport**

- 4.12 No objections. All aspects of the development must comply with CAP168 (Licencing of Aerodromes – Civil Aviation Authority) and EASA (European Union Aviation Safety Agency) regulations including lighting, landscaping and renewable energy sources.

## **Historic England**

- 4.13 No comments at this time.

## **Sports England**

- 4.14 No comments as the proposal does not fall within the remit of Sports England.

## **Essex Fire Service**

- 4.15 No comments at this time as this proposal only related to engineering works.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space) and CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM6 (The



Seafront), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).

- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.8 Vehicle Crossing Policy & Application Guidance (2021)
- 5.9 Shoebury Garrison Conservation Area Appraisal (2021)

## **6 Planning Considerations**

- 6.1 Outline planning permission 20/01227/OUTM has been granted, subject to conditions, for 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 accesses off Barge Pier Road, New Garrison Road and Magazine Road. The reserved matters for this outline application have been split into two phases. This reserved matters application deals with the first phase of the development for the construction of the development platforms which are required to address and mitigate flood risk for the approved development. The application seeks full or part discharge of a number of conditions which relate to works or mitigation which is required to be undertaken early in the development process such as ecology surveys and archaeology and those which relate to the works proposed such as levels and drainage.
- 6.2 The planning considerations which are relevant to this application are the impact on residential amenity, highways and transportation and sustainable drainage in relation to construction of the platforms only, ecology and archaeology. Issues relating to the built development itself, including compliance with the approved parameter plans, design and character of the built form, standard of accommodation, impact on neighbours, details of sustainability and detailed highways matters will be considered in a subsequent reserved matters application in due course. So, although further planning policies for those subject areas are indirectly relevant, they are not individually listed in the Policy Summary at section 5 of this report.
- 6.3 Matters including the principle of the Outline development, flood risk, landscaping, site access and developer contributions, including affordable housing contribution and RAMS, and CIL liability were previously assessed and found acceptable within the outline decision.

## **7 Appraisal**

### **Overview of Proposed Engineering Works Process**

- 7.1 In total 4 raised platforms, or 'homezones', are proposed. In each homezone the land will be raised to form a lower and higher level development platform. The lower level will be set between 3.0m and 3.5m AOD. Residential development located at this level will have its habitable accommodation raised to first floor level to offset the risk of flooding. The higher level will be set at 6.5m AOD above the 1 in 1000 year climate change flood level. Overall, this means that site levels will be raised by up to 5 m in central areas of Zones 1, 2 and 3, whilst Zone 4 will see significantly less filling (up to

1 m).

7.2 Full details of the method and process for the construction of the platforms is set out in the Preliminary Land Raising Strategy Report. The logistics of these works is set out in the Construction Management Plan submitted with the application and is discussed later in the drainage section of this report below. The Land Raising Strategy states that the works will be undertaken in the following stages:

1. The installation of band drains (a type of drainage strip).
2. The installation of a drainage mat (to help water flow away from foundations).
3. Creation of temporary drainage ditches.
4. The importation of soil to raise the levels.
5. The importation of surcharge material to increase the levels so that the material compacts down to create the required finished platform; and
6. The removal of the surcharge material once the soil underneath has compacted to the finished state.

7.3 The first process is to strip the 20cm of topsoil layer across the site. A total of 11,000m<sup>3</sup> of topsoil will need to be removed from the site and will be recycled as appropriate. The next stage will be the installation of a vertical band drainage system to facilitate the removal of groundwater ahead of the placement of the soil platforms. The band drains will assist in speeding up settlement rates and improve the ground quality. Temporary ditches will be installed around the perimeter of each home zone area to capture ground and surface water. Following this, soil will be imported by lorry to enable the creation of the permanent platforms in each home zone. Once the permanent platform is formed, an additional layer of soil, the surcharge layer, will be added to the top of the permanent platform to accelerate consolidation and settlement of the new platform. The duration of the surcharge period is anticipated to be some six months, with an expected settlement (compaction of the new ground) of approximately 500mm. Surcharge heights during the course of the works are estimated to be some 2.0 m above final proposed ground levels. Figure 1 below illustrates this arrangement. Full details of the proposed surcharge levels are shown on contour plan reference 2105160-140-P2.

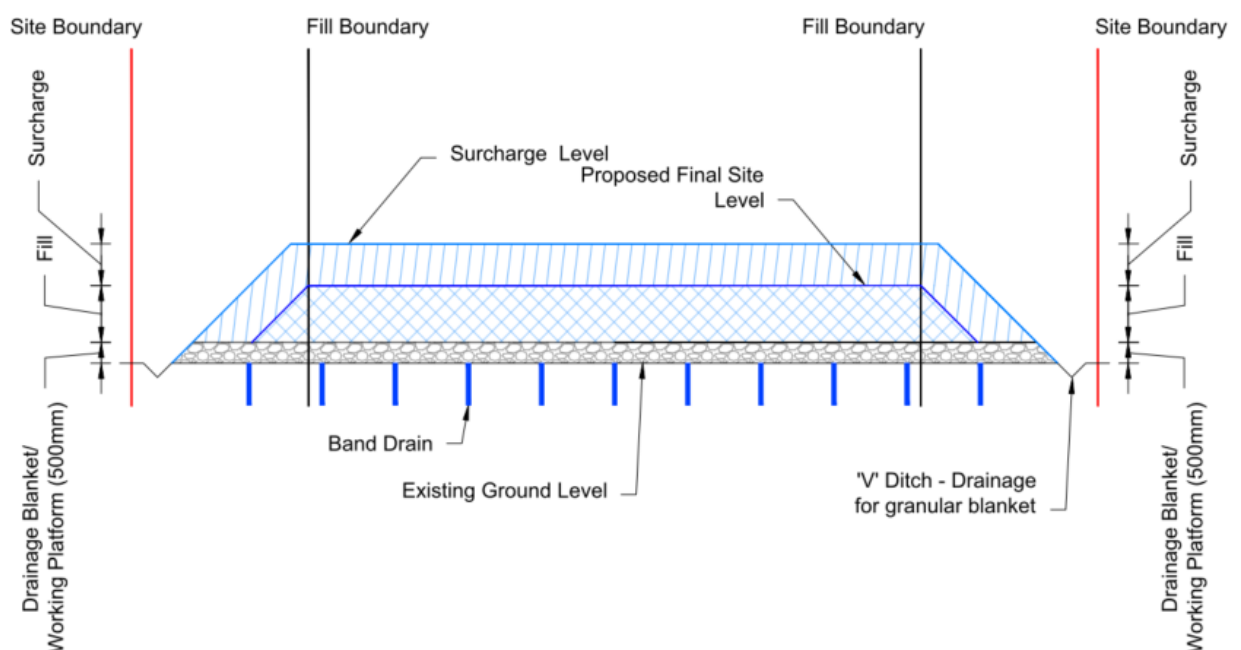


Figure 1 – Diagram showing surcharge and drainage arrangement.

7.4 The expected sequence of fill and surcharge are as follows:

- Zone 4 = 4,200 m<sup>3</sup> permanent fill and 13,000 m<sup>3</sup> surcharge (est 7 weeks to fill)
- Zone 1 = 66,500 m<sup>3</sup> permanent fill and 53,000 m<sup>3</sup> surcharge (est 43 weeks to fill)
- Zone 3 = 34,000 m<sup>3</sup> permanent fill and 23,000 m<sup>3</sup> surcharge (est 23 weeks to fill)
- Zone 2 = 27,000 m<sup>3</sup> permanent fill and 26,000 m<sup>3</sup> surcharge (est 10 weeks to fill)

7.5 It is proposed that the surcharge material used in Zone 4 will be removed and then reused in Zone 1 and then in Zone 2 which will limit the amount of soil that needs to be brought to site. The above timeframes are based on 60 lorry loads of soil being imported onto the site each day, with a total of 120 lorry movements per day. This will be dependent on weather and ground conditions. All imported soils will be from verified sources.

7.6 The platforms will need time to settle before construction of the buildings can begin. It is estimated that the surcharge material will be in place for approximately six months after its installation is complete. Once the platforms have stabilised the surcharge material will be removed to reveal the finished development levels as shown in plan reference 2105160-140-P3 (Earthworks Surcharge Strategy Plan).

7.7 The application states that the platforms will be monitored weekly and monthly throughout the process and on completion to ensure that they are suitable for construction. As noted above the detail for the buildings themselves will be subject of a further reserved matters application. It is anticipated that that the buildings will be constructed on piled foundations.

### **Compliance with the Parameter Plans**

7.8 Condition 03 of the outline permission requires all reserved matters applications to comply with the approved parameter plans. These plans set out the parameters for the development in terms of heights and levels of the development, the locations of the different uses across the site, the landscaping arrangement and the access and movement arrangements for the site. The only parameter plan which is relevant to this engineering works reserved matters application is the Heights and Levels Parameter Plan reference 032-S2-P402-E. The future reserved matters application for the built development itself will need to demonstrate compliance with all the parameter plans.

7.9 The Heights and Levels Parameter Plan shows the location and height of the land raising in each homezone. This approved Parameter Plan requires the levels to be raised to at least 6.1m AOD in the centre of the homezones and at least 3m AOD at the edges of the homezones. A proposed land levels contour plan has been provided with the current application which demonstrates that these minimum levels are achieved. Cut and fill section diagrams have also been submitted to show the proposed profile of the site after the surcharge layer has been added which is +2m on the finished land levels. Some of these profiles appear visually irregular because they reference the approved land levels in the outline application. The diagrams are also 5 x magnified which exaggerates the profiles over how they will appear in reality. It is likely that the exact land profile will be refined when the separate reserved matters application comes forward for the detailed design of the buildings and rest of the development as the land is shaped to fit the requirements of the final scheme.

7.10 The areas and outlines of the platforms are slightly larger than those shown on the Heights and Levels Parameter Plans. This enlargement is because a degree of tolerance is required while the platform is being formed to enable the ground to be shaped to the required area in the construction phase of the development and to address settlement. The applicant's flooding consultant and the Environment Agency have both confirmed that the amended shapes of the proposed land raising remains within the scope of the hydraulic flood modelling previously approved under the outline permission and will have no material impact on the tidal flood risk during a breach event to the surrounding area. The Environment Agency have therefore raised no objections to the current proposals. Full details of the proposed finished levels are shown on plan reference 2105160-140-P3.

### **Principle of the Development**

7.11 The principle of the development, including proposed uses, affordable housing provision and housing mix, and flood risk was considered as part of the outline application and found to be acceptable. The principle of the development is therefore not a consideration for this application.

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

7.12 Local and national planning policies and guidance seek to ensure that new development is well designed. 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.

7.13 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.

7.14 The current reserved matters application is for the construction of the raised platforms only. The process for their construction is explained above. The raised platforms will initially be created higher than the finished levels due to the surcharge layer and consistent with this type of engineering enabling work, but this will be removed once the ground has settled. The raised platforms and surcharge layer will be visible from the surrounding area and will impact on local character and views but this will be for a temporary period only as visually they will be wrapped around by the built form of the new development, the details of which are yet to be agreed.

7.15 The site is 120m from the Shoebury Garrison Conservation Area and 180m from the nearest listed buildings in The Terrace. It is considered that this is sufficient distance to ensure that these engineering works, including the temporary higher surcharge levels, will not cause harm to the setting or key views of these heritage assets.

7.16 The principle of raised development platforms was integral to the basis of the outline application and found to be acceptable in terms of the impact on the character and appearance of the area. Consistent with that finding, the current proposal is considered to have an acceptable impact on the character and appearance of the area, including nearby heritage assets, and is policy compliant in this regard.

## **Amenity Impacts**

- 7.17 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.
- 7.18 The current application is for the construction of the raised platforms only. The future reserved matters application for the new dwellings will consider the impact of the built form on residential amenity .
- 7.19 The raised platforms are in the centre of the site away from its boundaries and neighbouring developments. This relationship was noted and found acceptable within the assessment of the outline application. Consistent with that finding, it is considered that the raised platforms would not give rise to any harmful impacts in any relevant regards in terms of residential outlook, sense of enclosure or loss of privacy or light.
- 7.20 As part of the assessment of the current application it is relevant to consider the impact on residential amenity from the construction of these raised platforms particularly in terms of noise and disturbance. A Construction Management Plan has been submitted with the application which identifies measures to mitigate the impact of the construction works on the amenities of residential neighbours including proposals for controlling noise, vibration and dust and traffic management. Further details of these are set out below in relation to condition 09. The Council's Environmental Health Officer has reviewed this document specifically in terms of the impact on neighbours and finds it to be acceptable.
- 7.21 The proposal is therefore considered to have an acceptable impact on neighbour amenity in all relevant regards.

## **Traffic and Transportation Issues**

- 7.22 The NPPF states (para 111) that "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."
- 7.23 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that 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.
- 7.24 The current application is for the construction of the raised platforms only and the principle of this has been agreed in the outline permission. Traffic and transportation implications for the buildings themselves, including parking on the site, will be assessed in the future reserved matters application.
- 7.25 The implications for traffic, parking and transportation for the current application are therefore confined to the impact of construction traffic on the surrounding road network. This is addressed in the submitted Construction Management Plan (CMP) which identifies the proposed route for lorries delivering to the site and an indication of the number of deliveries envisaged. Further details of these are given below in relation to condition 9, however, key points to consider in this case are that the lorry route has

been chosen specifically to avoid weak bridges on the advice of Highways and the number of hourly lorry deliveries averages 6 each way on weekdays between overall operational hours of 8am and 6pm although the CMP confirms that the applicant will further recommend to suppliers that where possible deliveries are to be made between 09:00 and 15:00 in order to avoid peak hours. There will be a reduced deliveries number on Saturday mornings and none on Sundays. The Council's Highways Officer finds that this would have an acceptable impact on the surrounding highways network.

7.26 Overall, it is considered that the proposal is acceptable and policy compliant in regards to the traffic, parking and transportation impacts.

### **Sustainability**

7.27 As the proposal relates to the development platforms only, the relevance of sustainable development policies KP2 and DM2 is limited at this stage, however, these will come into play later in the development process. The CMP commits to waste recycling and there is a firm proposal to reuse the surcharge of the early phase material on the later phases thereby minimising use of resources consistent with sustainability objectives. Overall, it is considered that the proposal would have an acceptable impact on sustainability and is policy compliant in this regard.

### **Ecology and Biodiversity including RAMS**

7.28 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...*'

7.29 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.*'

7.30 The site consists of semi-improved natural grasslands, a system of drainage ditches, marginal vegetation around standing water, bare ground and soil bunds. The impacts of the outline development proposal on ecology were fully assessed in the outline application including studies relating to botany, mammals and reptiles, birds and bats and a range of mitigation measures to address these were proposed. These are covered by the conditions below and some have already been implemented at the site including the seed collections and relocation of reptiles. The S106 agreed in association with the outline permission includes a RAMS contribution to mitigate for the impact of the residential development on the foreshore nature designations in the vicinity of the site. The proposal is therefore acceptable and policy compliant in this regard.

7.31 A Habitat Regulations Appropriate Assessment was submitted with the outline application. This concluded that '*with the mitigation measures specified, the proposals would have no adverse effect upon the integrity of any European site, either alone or in combination with other plans or projects.*' The proposal is therefore acceptable and policy compliant in terms of Ecology and Biodiversity.

## Land Contamination

7.32 Land contamination is covered by condition 41 of the outline planning permission. A separate application will be submitted in regards of this condition prior to the commencement of the works. The proposal is therefore acceptable and policy compliant in this regard.

## Flooding and Drainage

7.33 As the current proposal relates to the creation of development platforms only it does not include any information on the proposed sustainable drainage solution for the residential development, however, due to the presence of soft compressible soils and in order to speed up the settlement process, the applicant proposes to undertake ground improvement works at the site which comprises the installation of a grid of temporary vertical band drains across the whole site. These will be 6-7m deep installed at around 1.5m-1.75m intervals totalling 19,000 – 20,000 across the site. They will enable the ground water to be extracted at a faster rate than would otherwise be achieved. In order to disperse this water from the site a series of temporary 'V' shaped drainage ditches will be constructed around the perimeter of each of the four platforms leading to wider swales which divert the ground water into the adjacent existing drainage ditches. Swales are shallow ditches that blend in with surrounding landscape design, facilitate water management, and encourage natural irrigation. Each swale entry point will have a straw bale filter system to clean the water before it is discharged into the drainage ditch. These drainage ditches will also carry the surface water from the platforms. See Figure 2 below. The band drains will not be removed at the end of the process because the new land will be laid on top of the drains and the majority will be destroyed by the piling of the new buildings, so they are effectively only temporary. They will not form part of the final drainage solution for the site.

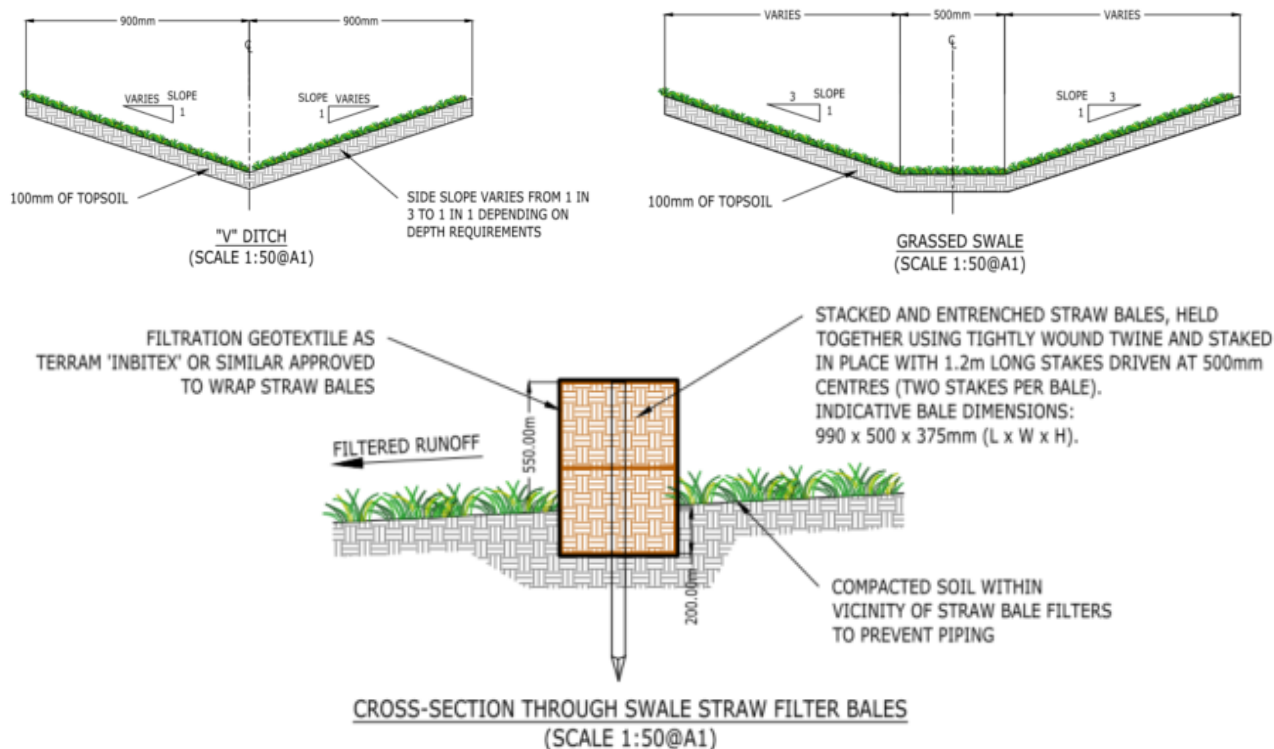


Figure 2 Diagram showing construction of V Shaped Ditches, Swales and Filter Bales

7.34 The Local Lead Flood Authority (LLFA) have confirmed that this arrangement is suitable provided the applicant demonstrates that the existing drainage ditch is fit for purpose. The applicant has been asked to submit a survey of the existing drainage

ditch setting out details of a strategy for ditch maintenance works to be completed prior to the commencement of this platform development. Details of this can be required by condition. The proposed temporary site drainage arrangement is therefore considered to be suitable for the engineering works proposed and the proposal is policy compliant in this regard.

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

7.35 The main development approved in outline is CIL liable and there will be a CIL charge payable, however, this will be calculated on submission of the future reserved matters application for the detailed design which will include the floorspace figures for that development.

### **Equality and Diversity Issues**

7.36 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Planning Conditions**

7.37 As noted above in addition to seeking permission for the development platforms, the current application also seeks to discharge a number of planning conditions within the outline permission which relate to preliminary works and processes at the site. These are discussed in turn below:

#### **Condition 02 (Phasing Plan)**

7.38 Condition 02 states:

*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.*

7.39 The following information has been submitted in relation to condition 02:

- BA9923-SK017-01 and BA9923-SK012-04 (Phasing Plans)
- Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22

7.40 The submitted phasing plans identify the individual homezones and the Construction Management Plan confirms the sequence of fill and surcharge will be zone 4, zone 1, zone 3 then zone 2. There is no objection to this arrangement. The requirements of Condition 02 are met in relation to the phasing of the engineering operations for the raised platforms and the details are acceptable so condition 02 can be partially discharged in this regard. Details of the phasing of the building works themselves will



need to be discharged at a later date.

### **Condition 07 (Archaeological Recording)**

7.41 Condition 07 states:

*Notwithstanding the information submitted with the application, no development other than moving of on-site spoil heaps, 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).*

7.42 The following information has been submitted in relation to condition 07:

- Written Scheme of investigation for a Geoarchaeological Borehole Survey by RPS JAC27603 dated May 2022
- Geoarchaeological Borehole Survey by RPS reference JAC27603 dated May 2022

7.43 A geoarchaeological borehole survey has been undertaken at the site. The purpose of this is to refine understanding of the presence, nature and distribution of superficial sediments and palaeoenvironmental sequences across the site and to assess the geoarchaeological and archaeological significance of these deposits. The aim of paleoenvironmental analysis is to reconstruct the biological, chemical, and physical nature of the environment at the collection site at the time of deposition, based on the rock's paleontological record. This kind of archaeological investigation of soils can provide insight into how the landforms and climate has changed, along with past vegetation, habitats, human activity and long terms environmental fluctuations.

7.44 In total 9 boreholes have been undertaken at the site. Fluvial sands and gravels were encountered, and overlying London clay formation bedrock. Across much of the site these deposits are likely to be early Holocene in date, approximately 11650 years ago, but towards the north of the site they may include earlier Pleistocene deposits, about 2,580,000 to 11,700 years ago. Alluvium, silty river deposits, were also recorded overlying the fluvial gravels. These are considered to have moderate geoarchaeological potential on the basis that biological remains (e.g. pollen) and material suitable for radiocarbon dating may be present. The northern part of the site therefore has the most geoarchaeological interest with the potential to contain Palaeolithic archaeology although it is not considered that these deposits will be impacted by the proposed development which will be built on raised land.

7.45 The submitted report recommends a targeted programme of palaeoenvironmental assessment be undertaken on one of the retained geoarchaeological boreholes in order to establish the presence of material suitable for radiocarbon dating. If suitable material is present, radiocarbon dating and an assessment of other biological remains

including pollen, diatoms (algae), forams (single cell organisms) and ostracods (crustaceans) should be undertaken to establish the potential of this sequence to provide a palaeoenvironmental record for the site.

7.46 The Council's Archaeology Curator has reviewed these documents and agrees with the recommendations. The requirements of Condition 07 are met and the details are acceptable so partially can be discharged in terms of pre commencement works. The final archaeological recording and analysis reports will need to be submitted to the local planning authority before the development is brought into first use for this condition to be fully discharged.

### **Condition 08 (Existing and Proposed Levels)**

7.47 Condition 08 states:

*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).*

7.48 The following information has been submitted in relation to condition 08:

- 2105160-140-P3 (Earthworks Surcharge Strategy Plan)

7.49 This drawing confirms that the land levels of the central areas of the platforms range from 6.3m AOD to 6.65m AOD dropping down to around 3m AOD at the lower level. This is consistent with the levels required to mitigate flood risk at the site as assessed and found acceptable when the outline permission was granted. The proposed levels are therefore considered to be acceptable. The requirements of Condition 08 are met and the details are acceptable so this condition can be partially discharged in relation to the levels of the permanent platforms. The final land levels will need to be separately agreed in relation to the detailed development in due course.

### **Condition 09 (Demolition and Construction Management Plan Engineering Works only)**

7.50 Condition 09 states:

*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).*

7.51 The following information has been submitted in relation to condition 09:

- Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22

7.52 As noted above, the principle of the development platforms has been agreed in the outline permission so the CMP solely sets out the logistics of the engineering works to achieve this and the measures to minimise the impact on neighbours and the surrounding area generally. The document states that, in total, it is estimated that approximately 132,000 m<sup>3</sup> of fill and 115,000 m<sup>3</sup> of surcharge material will be required. This will be delivered by lorry to the site along designated routes avoiding peak traffic times in up to 60 lorry loads per day, averaging around 6 per hour each way, over a period of approximately 30 months. This includes up to 22 months for the creation of all the platforms including adding the surcharge layer, a period of up to 6 months for settlement of the platforms during which no works will be undertaken, and a final phase of up to 2 months to remove the surcharge from the site once the new ground has achieved the approved level and stabilised. The Council's Highways Officer has been consulted by the applicants to identify the most suitable route for these deliveries, including avoiding weak bridges. The CMP confirms that the proposed routing for all haulage and delivery vehicles into the area will be via the A13 and A1159 from the north onto Thorpe Hall Avenue and then turning onto the B1016 Thorpe Esplanade, continuing on B1016 Shoebury Common Road and turning into New Barge Pier Road.

7.53 The CMP proposes the following measures to reduce the impact on neighbours and the surrounding road network:

- Wheel washing of lorries leaving the site and road sweeping to prevent mud transference.
- Timing deliveries to reduce waiting times and designating lorry waiting areas away from the surrounding residences.
- Strict working hours in accordance with the outline planning permission.
- Silencers and shrouds to be fitted to plant to reduce noise.
- Noise and vibration monitoring and compliance with BS standards (BS5228:2009).
- Dust monitoring suppression techniques.
- Measures to minimise flooding during construction including the installation of temporary drainage ditches to prevent the migration of groundwater from the bad drains and surface water from the platforms into the surrounding area.
- Clear points of contact for the engineering operations and defined complaints procedure

7.54 The Council's Highways and Environmental Health Officers have reviewed these documents and found them to be acceptable including the impact on the road network and the amenities of neighbours. The requirements of Condition 09 are met specifically in respect of the works subject of this application, the details are acceptable so the condition can be partially discharged. Another CMP will need to be submitted and

approved in relation to the construction of the buildings in due course.

### **Condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures)**

7.55 Condition 13 states:

*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).*

7.56 The following information has been submitted in relation to condition 13:

- Updated Ecological Assessment by SES dated August 2022
- Ecological Condition Discharge Document: Conditions 13 and 16 Rev A by SES dated 09.08.22
- Ecological Condition Discharge Document: Conditions 13 and 16 Partial Discharge Relating to Badgers Rev B- by SES dated 08.11.22
- Badger Sett Location Plan dated October 2022
- Email from agent dated 30.09.22 regarding Badger Mitigation

7.57 The Environmental Statement (ES) submitted in association with the outline application at paragraph 8.7.2 outlined a series of mitigation measures to reduce the impact of the proposal on habitats, rare plants, Amphibians, Reptiles, Breeding Birds, Badgers and Bats. Condition 13 requires a timescale for these mitigation measures to be agreed.

7.58 The updated Ecological Appraisal provides more up to date information on the condition of the site since the preliminary Ecological Appraisal in 2020. Additional wildlife surveys were carried out in February, March and July 2022. These confirmed that whilst the habitats present had undergone some habitat succession in the preceding two years, this was largely restricted to the colonisation of the soil bunds in the northern section of the site, which were previously bare ground, with tall ruderal vegetation (plants growing on waste ground), and the encroachment of areas of scrub and tall ruderal vegetation in other parts of the site. The changes to the habitats present within the site are not considered to have altered the ecological importance of the site. The baseline conditions with respect to notable and protected species remain largely the same as that reported in the ES and the assessment of impacts and recommendations for mitigation and enhancement are considered to still be valid for all species apart from badgers. The initial survey work in 2020 did not find any evidence of badgers but the more recent surveys found three badger setts within the site. These will therefore require additional mitigation over that reported in the ES and this is discussed below. The reptile exclusion fencing installed for a previous common lizard translocation programme was also found to be in need of repair. The submitted documents confirm that this will be repaired and maintained in good order during the construction of the development. All other mitigation and enhancement measures remain valid and have been, or will be, carried out as planned.

- 7.59 In respect of badgers, monitoring undertaken in 2022 confirmed badger activity in all 3 setts but that this activity was intermittent and minimal indicating badger usage to be limited and sporadic. There are 8 active and 8 partially active setts close to the site which are thought to be contain the main setts for this area.
- 7.60 In order to facilitate the development, it is proposed that the 3 setts on the site be closed under a Natural England (NE) mitigation licence prior to the commencement of the site preparation and construction works. This is considered to be acceptable in principle given that they are not well used and there are alternative more active setts close by. The submitted document confirms the timescale for this task to be restricted to between July and November to avoid the breeding season. Protection measures for badgers moving through the site are also proposed during the whole platforms construction period.
- 7.61 The Essex Badger Protection Group have reviewed the documentation and raised no objections to the proposed closing of these setts and the other mitigation measures identified.
- 7.62 In respect of reptiles, the report confirms that a reptile translocation programme was completed within the site in 2020 with large numbers of common lizard translocated to a receptor site in Chelmsford, Essex. The recommendation in the updated ecological survey is to repair the reptile fence as required. A full site hoarding is proposed in the Construction Management Plan which will reinforce this boundary. The recommendations of the original report have therefore been actioned.
- 7.63 The requirements of Condition 13 are therefore met and the details are acceptable in respect of the development platform works so the condition can be partially discharged.

#### **Condition 16 (Timetable for Ecological Enhancement Measures)**

- 7.64 Condition 16 states:

*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).*

- 7.65 The following information has been submitted in relation to condition 16:

- Ecological Condition Discharge Document: Conditions 13 and 16 Rev A by SES dated 09.08.22

- 7.66 This document sets out the timetable for those works which are to be undertaken early in the development process such as scrub removal and seed collection and therefore relevant to this engineering works application. The submitted details are acceptable in this regard. The timetable for the remaining works such as biodiversity planting, suds design and creation and wildlife enhancement measures for the new open spaces, gardens and buildings will be submitted at a later date prior to the commencement of the built development.

7.67 The timetable for the preliminary ecological enhancement measures which are relevant to the development platform works only are acceptable and the requirements of Condition 13 are therefore partially met and so this condition can be partially discharged.

### **Condition 17 (Botany Reports)**

7.68 Condition 17 states:

*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).*

7.69 The following information has been submitted in relation to condition 17:

- Condition 17 Compliance Note by SES dated 18.11.22
- Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22

7.70 The Botany and Botanical surveys supporting the approved outline application recommend that seeds are collected from key species for reuse in the final landscaping scheme. This will ensure native species are maintained and support local wildlife.

7.71 This submitted compliance document confirms that an additional botany survey was carried out in March 2021 and seed collections were made in June 2021 and July 2022. Seeds from 7 native species have been collected and will be stored until such time they are required for planting and recolonisation of the landscaped site. The Botany report mitigation measures also require the translocation of key plants so that they are not lost in the site clearance works. In regards to this the report states:

*'Lathyrus aphaca and Carex divisa will be pot grown in autumn 2023 prior to plug planting in autumn 2024. This will be undertaken at a suitable nursery with seeds pot grown under supervision of the ecological clerk of works for the site. The delivery of the plugs will be timed with landscape delivery, but in total half of all collected seed will be grown out for plugs in accordance with the approved mitigation strategy (TLP, 2020). These species will not be translocated within the site as engineering constraints requires the entire site to be remediated and thus rendering translocation undeliverable. Notwithstanding, the growing of collected seeds into plugs will provide plants which can be planted into the right conditions and thus the lack of translocation is not considered significant, and the proposed mitigation strategy will meet its desired objectives.'*

7.72 Given the extent of ground works proposed and the likelihood that translocated plants could be damaged, it is considered that this alternative option, which achieves the objectives of the condition but with greater chance of success, is reasonable and acceptable. The timetable for Ecological Enhancements measures also specifies the exact timing of this process which provides assurances that it will be undertaken as proposed.

7.73 The requirements of Condition 17 are therefore partially met and the details are acceptable in respect of the development platform works so the condition can be partially discharged. Compliance details for the translocation of key plants will need to be submitted in due course.

## **Conclusion**

7.74 This reserved matters application relates solely to the formation of the raised development platforms previously agreed in principle under outline planning permission 20/01227/OUTM. A future, separate reserved matters application will be required for approval of the details of the built form and associated development on the site. 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 acceptable 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 residential amenity or the surrounding highways network. The application is therefore recommended for approval subject to conditions.

7.75 Furthermore, this application also seeks to discharge conditions 7, 8, 9, 13, 16 and 17 the outline planning permission 20/01227/OUTM. The details submitted meet the requirements of the respective conditions and are acceptable either in full or, in relevant cases, partial discharge.

## **8 Recommendation**

**A) Members are recommended to APPROVE RESERVED MATTERS subject to the following conditions:**

**01 The development hereby permitted shall begin no later than three years from the date of this decision.**

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

**02 The development hereby permitted shall be carried out in accordance with the following approved plans: BA9923-SK011-02 (Site Location Plan), 2105160-140-P3 (Earthworks Surcharge Strategy Plan), 2105160-141-P1, 2105160-142-P1, 2105160-143-P3 (Cut and Fill Sections), 2105160-131-P2, 105160-130-P2, 2105160-132-P2 (Earthworks Surcharge Drainage Strategy Plans) and in full accordance with Preliminary Land Raising Strategy IDOM reference PLRSR-22438-22-101-Rev C dated 09.08.22.**

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

**03 Prior to the commencement of the development hereby approved, details of a survey of the existing eastern drainage ditch as shown on plan reference BA9923-SK011-02 and a strategy for any ditch maintenance works required to ensure that this drainage ditch is suitable for the intended temporary drainage works associated with the development hereby approved whilst also maintaining the ecology mitigation measures and required enhancement measures approved under, and secured by conditions 13, 14, 15, 16 and 17 of, planning permission 20/01227/OUTM shall be submitted to and agreed in writing by the Local Planning**

**Authority.** The approved works shall then be carried out and completed in full accordance with the approved details.

**Reason:** This pre-commencement condition is required to ensure the approved development does not increase flood risk elsewhere or harm ecology in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2, KP3 and CP4 and Development Management Document (2015) Policies DM6 and DM14.

- 04** The works to create the raised development platforms hereby approved shall be carried out and completed in full accordance with the timescales set out in section 3 of the Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22 or any other timetable that has been previously been submitted to and agreed in writing with the Local Planning Authority under the terms of this planning condition.

**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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

**Positive and Proactive Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

**B) Members are recommended to GRANT PARTIAL DISCHARGE OF THE FOLLOWING CONDITIONS:**

**Condition 02 (Phasing Plan)**

The details of the phasing of the engineering works, as set out in the phasing plans reference BA9923-SK017-01 and BA9923-SK012-04 and the Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22 are acceptable and partially agreed in accordance with the requirements of condition 02 of planning permission reference 20/01227/OUTM in relation to the construction of the raised development platforms only. A subsequent phasing plan will need to be separately agreed in relation to the detailed development in due course.

**Condition 07 (Archaeological Recording)**

The details of archaeological recording for the site as set out in the Written Scheme of investigation for a Geoarchaeological Borehole Survey by RPS JAC27603 dated May 2022 and the Geoarchaeological Borehole Survey by RPS reference JAC27603 dated May 2022 are acceptable and partially agreed in accordance with the requirements of condition 07 of planning permission reference 20/01227/OUTM in relation to the programme of archaeological recording and analysis only. A report detailing the findings of the borehole analysis will need to be submitted to the Local Planning Authority in due course.



### **Condition 08 (Existing and Proposed Levels)**

The details of the existing and proposed levels, as set out in drawing reference 2105160-140-P3 (Earthworks Surcharge Strategy Plan) are acceptable and partially agreed in accordance with the requirements of condition 08 of planning permission reference 20/01227/OUTM in relation to the construction of the raised development platforms only. The final land levels will need to be separately agreed in relation to the detailed development in due course.

### **Condition 09 (Demolition and Construction Management Plan (Engineering Works only))**

The details of the Construction Management Plan (CMP) Rev C by Bellway dated 07.11.22 are acceptable and partially agreed in accordance with the requirements of condition 09 of planning permission reference 20/01227/OUTM in relation to the construction of the raised development platforms only. A subsequent CMP will need to be separately agreed in relation to the detailed development in due course.

### **Condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures)**

The details of the timescales for the implementation of Biodiversity Mitigation Measures, including the amended mitigation measures for the site in relation to badgers, as set out in the Updated Ecological Assessment by SES dated August 2022, Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22, the Ecological Condition Discharge Document: Conditions 13 and 16 Partial Discharge Relating to Badgers Rev B- by SES dated 08.11.22, the Badger Sett Location Plan dated October 2022 and email from agent dated 30.09.22 regarding Badger Mitigation are acceptable and partially agreed in accordance with the requirements of condition 13 of planning permission reference 20/01227/OUTM in relation to those measures relevant to the construction of the raised development platforms only. A subsequent timetable for the full programme of Biodiversity Mitigation Measures will need to be separately agreed in relation to the detailed development in due course.

### **Condition 16 (Timetable for Ecological Enhancement Measures)**

The details of the timescales for the implementation of Ecological Enhancement Measures as set out in the Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22 are acceptable and partially agreed in accordance with the requirements of condition 13 of planning permission reference 20/01227/OUTM in relation to those measures relevant to the construction of the raised development platforms only. A subsequent timetable for the full programme of Ecological Enhancement Measures will need to be separately agreed in relation to the detailed development in due course.

### **Condition 17 (Botany Reports)**

The Condition 17 Compliance Note by SES dated 18.11.22 and Ecological Condition Discharge Document: Conditions 13 and 16 Rev B by SES dated 18.11.22 are acceptable and partially agreed in accordance with the requirements of condition 17 of planning permission reference 20/01227/OUTM. Compliance with the translocation of key plant species will need to be demonstrated in due course.

**Informatives:**

**01 Please note that all of the conditions imposed on the Outline Permission 21/02034/OUT and the associated S106 agreement are in force and need to be complied with.**

**02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that the Council will 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 city. The developer will be held responsible for any mud on the road associated with the development and will be expected to address and clean this away promptly within the provisions of the approved CMP failing which the Highways Authority will seek to recover from the developer the Council's costs incurred in removing mud and cleaning the highway.**

**03 The applicant is advised that all aspects of the development must comply with Civil Aviation Authority CAP168 and EASA (European Union Aviation Safety Regulations) regulations including lighting, landscaping and renewable energy sources.**