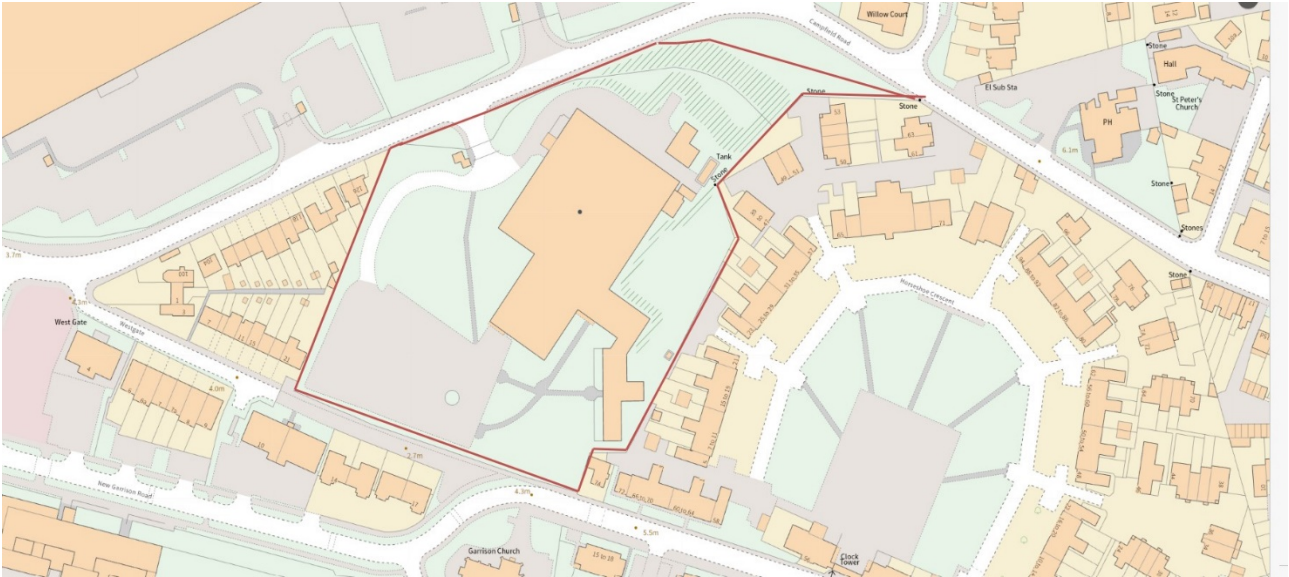


Reference:	23/00030/FULM	
Application Type:	Full Application – Major	
Ward:	Shoeburyness	
Proposal:	Demolish existing buildings, erect development of 58 dwellinghouses and a three storey building comprising 12 new self-contained flats with associated parking, amenity space, landscaping, bin and cycle storage	
Address:	Cantel Medical Ltd Campfield Road Shoeburyness Essex SS3 9BX	
Applicant:	Mr Samuel Caslin of Taylor Wimpey London	
Agent:	Mr Matthew Wood of Phase 2 Planning	
Consultation Expiry:	23 rd June 2023	
Expiry Date:	7 th July 2023	
Case Officer:	Abbie Greenwood	
Plan Nos:	<p>D-001 (Existing Location Plan), D-330 (Site Section AA & BB), D-331 (Site Sections CC & DD), D-100 Rev M (Proposed Site Layout), D-332 (Site Sections EE,FF &GG), D-201 Rev C (House Type NA-21), D-202 Rev C (House Type NA-21), D-203 Rev C (House Type NA-21), D-204 Rev C (House Type NA-32), D-205 Rev C (house Type NA-32), D-206 Rev C (House Type NT-31), D-207 Rev C (House Type NT-31(X)), D-208 Rev C (House Type NA-42), D-209 Rev D (House Type NA-42), D-210 Rev C (House Type NT-41), D-211 Rev C (House Type NB-41), D-212 Rev C (House Type NA-44), D-213 Rev C (House Type D1624), D-214 Rev B (House Type NA-42 & NA20), D215 Rev A (House Type NT-31), D-220 Rev J (Apartment Block A Ground and First Floor Plans), D-221 Rev H (Apartment Block A 2nd Floor and Roof Plan), D-222 Rev H (Apartment Block A Elevations), D-310 Rev C (Streetscenes 1-3), D-311 Rev B (Streetscenes 4-5), D400 Rev B (Proposed Single Garages), D401 Rev B (Proposed Double Garages)</p>	
.Additional information:	<p>Planning Statement by Phase 2 Planning reference C21118 dated December 2022 Note of Closing of Operations at Cantel Medical dated March 2023</p>	

Letter from Steris regarding reasons for relocation Design and Access Statement
Heritage Assessment by GJHP dated 17.11.22
Accommodation Schedule Rev J dated 03.04.23
Archaeological Desk Based Assessment by RPS reference JAC27926 dated 26.10.22
Landscape Strategy 21.5216.01 Rev O
D-101 Rev D (Tenure Plan)
D-102 Rev A (Unit Mix Plan)
D-103 Rev A (Heights Plan)
D-104 Rev A (Refuse Strategy Plan)
D-105 Rev B (Wall Finishes Plan)
D-106 Rev B (Proposed Roof Finishes Plan)
D-107 Rev J (Boundary Treatment)
D-108 Rev A (Car Park Allocation Plan)
D-109 Rev A (Cycle Storage Plan)
D-110 Rev E (EV Charging Points Plan)
D-111 Rev A (Proposed Rendered Site Layout/CGI Location Plan) & Associated CGIs
D-112 (Proposed PV Panel Locations) and Precedent Photo for flush fitted PV panels
D-113 S-106 Plan
D-320 (3D Visuals)
SK20230608 – Balcony Railings Detail
CGI Visuals x 4
Geotechnical and Geo-Environmental Interpretative Report by GB Card and Partners reference GB696-GGEIR-JUL-2022-REV1 dated 8.7.22
Detailed Quantitative Risk Assessment by GB Card + Partners reference GB696-DQRA-JUL-2022
Letter from GB Card and Partners reference GB696-LR-OCT-2022 dated 27.10.22 regarding suitability for reuse of topsoil and bund material.
Letter from GB Card and Partners reference GB696-LR02-APR-2023-REV1 dated 11.04.23 regarding Next Phase of Investigation.
Interim Remediation Strategy by GB Card and Partners reference GB696-IRS-AUG-2022 dated 15.08.22.
Remediation Strategy by GB Card and Partners reference GB696-RS-FEB-2023 dated 3.2.23
Detailed Drainage Strategy Plan reference 02-E
Method Statement for Control of Surface Water Runoff During Construction by Ardent reference 2101833-06 dated March 2023.
Drainage Letter from Stomor reference ST-3113/230320-LLFA Response.
Flood Risk Assessment by Ardent reference 2101833-01 dated December 2022.
Replacement Flood Levels FFL's Sketch reference 2101833 dated 02/23.
Table of Floor Level Heights AOD.
Sequential and Exception Test by LanPro dated December 2022.
Plan Reference 2101833-006 Rev F External Levels and

	<p>Road Contours (proposed) Letter from Stomor Response to Shoebury Residents Association reference ST-3113/230316-Consultation Response dated 16.03.23 Noise Assessment by Ardent reference 2102833-02 dated November 2022 D-100 Rev F Proposed Site Layout showing location of properties with MVHR (Noise Mitigation) D-220 Rev F Apartment Block A Ground and First floor plan showing location of units with MVHR (Noise Mitigation) Transport Statement by Ardent reference 2102833-04A dated December 2022 Car Parking Management Plan by Ardent reference 2101833-05 dated 10.08.22 Air Quality Assessment by Ardent reference 2101833-03 dated July 2022 Air Quality Technical Note by Ardent reference 2101833-R07 dated 01.06.23. Arboricultural Impact Assessment by Middlemarch reference RT-MME-156718-02-01 Rev G dated June 2023 Arboricultural Method Statement by Middlemarch reference RT-MME-159919-01 Rev D dated June 2023 Tree Planting Strategy by Andrew Hastings Landscape Consultants Ltd reference 21.5216 Rev V1.1 dated March 2023 Letter from Middlemarch reference RT-MME-159919-01 Rev A SH-DJS dated 31.03.23 regarding queries raised by Tree Officer. Dusk Emergence and Dawn Re-entry Bat Surveys by Middlemarch reference RT-MME-157687 dated July 2022 Preliminary Bat Roost Assessment by Middlemarch reference RT-MME-156454-02 dated March 2022 Biodiversity Metric Assessment reference 156454-03-Rev B dated 12.06.23. Preliminary Ecological Appraisal by Middlemarch reference RT-MME-156454-01-Rev A dated July 2022 Energy Statement by Energist reference TA.CR.SS3 Rev 01 dated 07.06.23. Overheating Review by Energist Rev 00 dated 05.09.22. Daylight, Sunlight and Overshadowing Report by SRE Rev C dated 14.11.22 Statement of Community Involvement dated September 2022 2101833-006 Rev F (External Levels and Road Contours) Topographical Survey Plans 34381BWLS-01, 34381BWLS-02 & 34381BWLS-03 Financial Viability Assessment by Geradeve dated December 2022 Financial Viability Response Note dated June 2023 D-100 Proposed Site Layout Road Adoption Plan</p>
<p>Recommendation:</p>	<p>DELEGATE to the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control to GRANT PLANNING</p>

PERMISSION subject to **CONDITIONS** following the completion of a **LEGAL AGREEMENT** under section 106 of the Town and Country Planning Act 1990 (as amended)



1 Site and Surroundings

- 1.1 The site is on the southern side of Campfield Road, east of the junction with New Barge Pier Road, north of Chapel Road and east of Horseshoe Crescent. It is occupied by a commercial use including part warehousing and part offices. The site includes some open car parking and landscaping. Most of the larger trees on the site are covered by tree preservation orders (TPOs), references TPO 4/2022 and TPO 02/2012. The land levels vary across the site including a raised bund containing trees and other vegetation to the northeast corner of the site and higher ground levels to the eastern boundary.
- 1.2 The streetscene in this section of Campfield Road is mixed. To the south side, directly west of the site and along Westgate to the southwest are 2 storey detached and terraced houses. Opposite the site in Campfield Road are industrial warehouses.
- 1.3 The Shoebury Garrison Conservation Area is directly to the east and south of the site. There are many listed buildings within the Conservation Area. The nearest listed buildings to the application site include the Grade II listed Barrack Blocks Horseshoe Crescent and the Grade II listed Garrison Church of St Peter and St Paul which can be seen across the site from Campfield Road. The Conservation Area also includes some modern infill development in the vicinity of the application site to the rear of properties in Horseshoe Crescent and opposite the church. There are also some locally listed buildings nearby to the northwest, including Ash Court and Beech Lodge. Generally, aside from the industrial units to the north, the area has a fine grain and cohesive character including the use of yellow/buff brick and grey slate.
- 1.4 The 'Danish Camp' prehistoric settlement Scheduled Monument is some 200m to the south-east of the site.
- 1.5 The site is within walking distance of West Road shopping centre and other local amenities and has good access to public transport including bus and rail routes.
- 1.6 The site is partly within flood zone 3 and partly within flood zone 2. The estuary and land adjacent to the foreshore some 800m to the south is covered by a number of European, national and local nature designations.

2 The Proposal

- 2.1 The proposal seeks permission to demolish the existing commercial buildings and to erect 70 dwellings on the site comprising one 3 storey block of 12 one and two bed flats and 58 x 2 and 2.5 storey houses. All properties have off street parking (1 space per flat and at least 2 spaces per house some within attached garages) plus 8 unallocated visitor parking spaces mainly adjacent to the public open space to the south making a total of 141 parking spaces for 70 units. Each property has private amenity space.
- 2.2 Along the southern edge within the application site is a proposed public open space including a small playground of approximately 100sqm (Local Area of Play or LAP), a landscaped drainage basin with incidental play and a wildlife area. 5 visitor car parking spaces are proposed next to the public open space. A pumping station is also proposed in the southwest corner of the site.
- 2.3 The proposal would be constructed of buff bricks with brick and stone style detailing,

grey slate roofs and warm grey window frames and doors.

2.4 The proposed mix of units is as follows:

1 bed flats	4 (5.5%)
2 bed flats	8 (11%) including 7 wheelchair accessible units
2 bed houses	6 (8.5%)
3 bed houses	23 (33%)
4 bed houses	27 (39%)
5 bed houses	2 (3%)

2.5 The design detailing of the proposal has been amended during the course of the application.

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
22/00914/RSE	Residential development of up to 72 dwellings with vehicle access from Campfield Road and associated new and enhanced open space area (Request for Screening Opinion).	Scoping/ Screening Opinion issued - Not EIA development.
22/00874/PREAPF	Follow up to (21/02242/PREAPF - Demolish existing factory buildings, erect 73 dwellinghouses).	Advice Given
21/02242/PREAPF	Demolish existing factory buildings, erect 73 dwellinghouses.	Advice Given
20/01158/PREAPF	Development of 89 dwellings.	Advice Given

4 Representation Summary

Public Consultation

4.1 105 neighbours were consulted by letter, 4 site notices were displayed and a press notice published. 2 further rounds of neighbour consultation were undertaken during the course of the application as a result of amended plans being received. 21 letters of representation have been received from 14 addresses raising the following summarised comments:

- The design is sympathetic to the area and this is welcomed.
- Impacts on residential amenity.
- Design concerns, loss of visual amenity and impact on Listed Buildings and Conservation Area.
- Loss of common land, trees and landscaping.
- Loss of trees will have a detrimental impact on the setting of nearby heritage assets. New boundaries should be high quality brick walls to protect the conservation area.
- The density of the development should be reduced. The flatted block should be

relocated further south so that the tree bank can be retained and a larger play area provided. The flatted block is too big and will cause overlooking of the Garrison site.

- The developer has addressed concerns relating to noise and dust during construction.
- Lack of infrastructure to support new residents including access to doctors, dentists, sewerage, roads, parking and schools. Lack of community resources.
- Concern over impact on junction of Ness Road/Campfield Road which the authors of the representation consider is already dangerous.
- Lack of parking. Traffic and congestion and deliveries on surrounding roads from this and other developments. Concern that the development may lead to accidents. A cycle lane on Campfield should be considered.
- Boundary treatment queries.
- No affordable housing [Officer Note - 21 (30%) affordable housing units are proposed]
- Overshadowing from houses and flats which will be 10m from the boundary. The Daylight and Sunlight report does not represent the reality of the impact – the proposal will impact on evening sunset views from at least one of the neighbouring properties although others seem unaffected by this concern.
- Impact on existing property values.
- Overlooking of neighbours from the proposed flats.
- Child safeguarding and health concerns due to impact on air quality due to loss of trees. Impact on air quality and pollution generally from increased traffic.
- Loss of trees on the embankment which are covered by a Tree Preservation Order (TPO) and corresponding loss of canopy cover and loss of cooling. This is a landscape feature. Loss of visible greenery on the existing site. The TPO was supported by local residents. Loss of other trees including 4 covered by the TPO. The proposed replacement trees will take a long time to grow to a decent size. Revised landscaping scheme does not compensate for the loss of trees. The replacement in excess of 2 for 1 is noted but it will take time for the trees to mature and some may be lost. Mature trees store carbon and combat pollution.
- Loss of the embankment which offers protection from the road, industrial estate and pollution.
- The proposal for electric vehicle charging will not offset pollution concerns.
- Impact on local flooding particularly surface water flooding. Retention of trees can help reduce flooding.
- Over development of site and of Shoebury generally.
- Inconsistencies in Daylight and Sunlight report.
- Loss of common land fronting Campfield Road.
- The loss of the embankment makes the topography of the site less interesting and removes the opportunity for sledging in the winter.
- The play area should not be located next to the main road. [Officer note – the proposed LAP is located in the southwest corner of the site away from Campfield Road.]
- Road safety concerns due to loss of embankment as current tree bank has a positive impact on driver behaviour resulting in slower speeds.
- Loss of landscape and risk to wildlife from the loss of the embankment including insects, birds and bats.
- Loss of employment site.
- Lack of community resources and support.
- The suggestion that there may be cyanide contamination under the bund is questioned as this is located on the site of the former gasholder not the production plant itself.

- Loss of views.

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

Housing

- 4.2 The Housing Team have negotiated the mix and tenure of affordable units with the applicant during the course of the application. The proposed affordable housing provision is policy compliant in terms of overall numbers but falls short of policy in terms of the provision of larger units, however, this is balanced against the over provision of affordable rented units, in excess of the policy requirements, for which there is greater need. Therefore, the proposed mix is considered to be acceptable.

The provision of all the M4(3) wheelchair accessible units within the flatted block which is entirely affordable housing is not ideal, but this is offset by the provision of wheelchair units as affordable housing for which there is also a need. Overall, the proposal is acceptable in terms of affordable housing provision.

Highways

- 4.3 The site benefits from being in a sustainable location with regard to public transport with good links in close proximity which also include cycle links.

The applicant has provided a robust transport statement highlighting the site's sustainable location. The applicant should provide travel packs which promote sustainable travel.

A total of 141 off street car parking spaces are proposed including 7 disabled spaces and 8 visitors spaces. It should be noted that Southend City Council will not have control over the use of the visitor spaces.

TRICS data has also been provided along with census data which concludes that there will be an increase in vehicle movements which would equate to 1 additional vehicle every 2-3 mins in the peak hours which is not considered to have a detrimental impact upon the local highway network. The applicant has also considered the other developments within proximity of the site.

A section 38/278 will be required in relation to the adoption of the spine road.

Contributions will need to be secured via the S106 for the implementation of a Traffic Regulation Order, a contribution to junction improvements for the Ness Road/Campfield Road Junction and for future maintenance of the block paved surfacing on the adopted road.

Therefore, given the detailed information contained within the application there are no highway objections to the proposal.

Environmental Health

- 4.4 The methodology and findings of the Noise Assessment are accepted and appropriate mitigation measures recommended. Mechanical ventilation, rather than just trickle

vents may be required for properties closest to Campfield Road which are recommended to keep windows shut to reduce noise.

The Interim Remediation Strategy sets out an acceptable approach to remediation at the site however the Environment Agency should be contacted in regards to Ground Water.

Due to the size of the development a Construction Management Plan should be conditioned.

No objections subject to conditions relating to Noise Mitigation Measures, Construction/Demolition Management Plan, contamination including reporting unexpected contamination, refuse and recycling provision and an ordnance survey.

Children & Public Health

- 4.5 No objection. Whilst the Children Acts of 1989 and 2004 and government guidance (Working Together, 2018, para 41) identifies that Local Authorities have a duty to ensure their functions have regard to the safety and welfare of children, I do not see this application, in regard to loss of land and associated trees having as requiring any intervention in regard to the safety and welfare of children and young people, as per the current legislation and government guidance.

Lead Local Flood Authority (LLFA)

- 4.6 No objection subject to a condition requiring additional drainage details to be submitted.

Emergency Planning

- 4.7 No objections. The flood response plan satisfies all the Council's requirements.

Environment Agency

- 4.8 The Environment Agency have no objection to the proposal in regards to flood risk. The site is located in a high risk flood zone but we are satisfied that the Council have an achievable plan for the sourcing of partnership funding to support delivery of the 'hold the line' strategy for flood protection as set out in the Southend-on-Sea Shoreline Strategy Plan (SMP). This will ensure that the flood defences will provide the same Standard of Protection (SoP) for the next 100 years ensuring that the flood risk at the site does not worsen over time as a consequence of climate change, thereby protecting the site during the design event throughout the lifetime of the development. If the SMP and Thames Estuary 2100 policies are not taken forward, the development would be unsafe in the future.

The 0.1% (1 in 1000) annual probability flood level including climate change is 6.49mAOD including 300+mm freeboard so in a breach event the site could flood up to a depth of 3.84m however the Flood Risk Assessment clarifies that the minimum first floor level across the development is a minimum of 6.94mAOD and therefore safe refuge will be available to all occupants in this extreme event. Given that refuge is identified as a fall back mitigation measure it is important that the buildings are structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings

will be constructed to withstand these water pressures.

Parks (Trees)

- 4.9 Preserved Trees on Eastern Boundary - The amended tree protection measures for the preserved trees to be retained on the eastern boundary T15 and T19, including the reduction of the encroachment into the root protection area, are now much improved subject to requirement for the Council Tree Officer to attend the pre commencement meeting with the contractor and that regular updates are provided. Final details of the retaining wall and its exact positioning in this area will also need to be agreed by condition prior to commencement.

Preserved trees on north fronting Campfield Road - The amended/clarified pruning works to the retained preserved trees have been clarified and are now acceptable.

Trees on Bund - The trees along the top of the bund to the north of the site are significant due to their size and elevation. The continuous crown cover they provide is substantial and the species mix is indigenous to this part of the country. Because of this, they will provide ecological support to many species. They also provide a green screen to Campfield Road. The variety and quantity of species that are now to be planted as part of additional hedgerows within the scheme, have potential to compensate for the loss of the trees along the bund, of course this is dependent upon new owners retaining the sections of hedge where they are located within private gardens.

Replacement Tree and Hedgerow Planting - The amendments to the landscaping scheme including the retention of T21 and proposed change to tree and hedgerow species and planting locations are more viable and are now acceptable. A full landscaping scheme and Landscape Management Plan should also be conditioned.

The Arboricultural Method Statement is now satisfactory subject to the above conditions.

Parks (Ecology)

- 4.10 No objections in principle. The proposed playground needs to be maintained including regular safety inspections. A management plan is required for the proposed soft landscaping. Full details of the soft landscaping should be conditioned including measures to enhance biodiversity. Updated ecological and bat surveys will be required if the development does not commence within 24 and 12 months respectively of the date of these reports. The ecology recommendations should be implemented.

Education

- 4.11 This application falls within the primary catchment area for Hinguar Primary School and Shoeburyness High School. Both Schools are oversubscribed and have no capacity for development, however considerable plans in the area will demand places and a contribution would be required for refurbishment to access places at the next nearest local schools, namely Southchurch High and Cecil Jones Academy. A contribution is only requested for market value dwellings that are 2 beds or more of £220,597.43.

A contribution to primary education is covered by CIL (Community Infrastructure Levy).

Archaeology

- 4.12 No objections. The Archaeological Desk Based Assessment is acceptable. A WSI (Written Scheme of Investigation) including the location of trial trenches will need to be agreed via condition.

NHS

- 4.13 The Essex Integrated Care Board has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that a contribution of £33,200 is secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.

[Officer Comment: Funding for community infrastructure including primary NHS services such as GP surgeries is secured through Community Infrastructure Levy. This is explained at 7.137-7.138 of this report]

Cadent Gas

- 4.14 No objections subject to an informative regarding contact details for the applicant.

Anglian Water

- 4.15 Waste Water Treatment - No objections, Southend Water Recycling Centre has available capacity for foul water drainage. Full drainage details will need to be conditioned. The details of the connection with the existing network will need to be agreed with Anglian Water.

Surface Water Disposal – Not relevant to Anglian Water - see comments from LLFA.

Essex Fire Service

- 4.16 Access to the site for fire appliances appears to be acceptable. Full details will be considered at the building control stage. A fire hydrant will be needed on the site.

Essex Police

- 4.17 No objections - The development should include good lighting and natural surveillance of parking areas. The applicant should apply for the secure by design accreditation scheme.

London Southend Airport

- 4.18 No objections.

Shoebury Residents Association

- 4.19 Shoebury Residents Association object to this proposal due to concerns relating to surface water flooding – there are annual flood events in Campfield Road and the surface water drainage infrastructure needs upgrading.

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 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.4 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance) and Policy CP8 (Dwelling Provision).
- 5.5 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM5 (Southend-on-Sea’s Historic Environment), Policy DM8 (Residential Standards), Policy DM11 (Employment Areas), Policy DM14 (Environmental Protection) and Policy DM15 (Sustainable Transport Management).
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Southend-on-Sea Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Southend-on-Sea Planning Obligations: A Guide to Section 106 and Developer Contributions (2015)
- 5.11 Southend-on-Sea Interim Affordable Housing Policy (2016)
- 5.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.13 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)
- 5.14 Shoebury Garrison Conservation Area Appraisal (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development including the loss of the existing employment use and flood risk, the proposed dwelling mix and affordable housing, the design and impact on the character and appearance of the area, including heritage assets, the standard of accommodation and residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use, sustainability, refuse and recycling storage, tree impacts, ecology and mitigation for impact on designated sites, developer contributions and CIL liability.

Appraisal

7 Principle of Development

- 7.1 The provision of new high-quality housing is a key Government objective.
- 7.2 Paragraph 119 of the NPPF states '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*'
- 7.3 Amongst other policies to support sustainable development, the NPPF seeks that the supply of housing be boosted by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 124 states:

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

- 7.4 Policy KP2 of the Core Strategy requires that "all new development contributes to economic, social, physical and environmental regeneration in a sustainable way."
- 7.5 Policy CP4 requires that new development "*maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments*" and that this should be achieved by "*maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.*"
- 7.6 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It seeks that 80% of residential development be provided on previously developed land.
- 7.7 Policy DM3 of the Development Management Document states that "*the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.*"

Loss of Employment

- 7.8 The site is not designated as an employment site within the Development Management Document. In regard to the loss of employment uses (former Use Class B uses) outside designated employment areas Policy DM11 states:

'5. Outside the Employment Areas (Policy Table 8), proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that:

- (i) it will no longer be effective or viable to accommodate the continued use of the site for employment purposes; or*
- (ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems.*

It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use.'

- 7.9 The current employment use on the site comprises part storage and distribution and part offices (use classes B8 and E). The business has recently been taken over by a new company which is in the process of relocating these functions to a new location close to Southend Airport and across the UK and Europe. The agent has advised that the marketing of the site included some off-market approaches (targeted approaches to specific businesses rather than general for sale advertising) to other commercial operators but following the lack of interest the site was eventually sold to the applicant to pursue residential development.
- 7.10 The part of the site used for offices now falls within Use Class E and would be eligible for potential proposals for conversion to residential use under the permitted development prior approval regime and is therefore no longer one of the B Class employment-generating uses which are the focus of Policy DM11. There is therefore no policy objection to its loss. The remaining storage and distribution function is still covered by Policy DM11 subsection 5 however as the site is not located within a designated employment area, there is no policy requirement for full marketing details to be submitted or minimum commercial marketing timescales. In respect of the requirements of Policy DM11 subsection 5.(i) the new owners have advised that their decision to relocate was influenced by the poor quality of the existing buildings which are outdated and by consolidating the business functions. Records show that the buildings at the site are at least 40 years old from which it can reasonably be concluded that they are likely to be out of date and no longer effective for modern businesses. In relation to Policy DM11 (5) (ii) the site's location directly adjacent to residential properties and designated heritage assets also suggests that redevelopment for an alternative storage and distribution or other employment use such as manufacturing could potentially give rise to an unacceptable impact on neighbours' amenity and the setting of heritage assets. Drawing all of the above considerations together the principle of the loss of employment uses on this site is therefore considered to be acceptable in the specific circumstances of this case.

Proposed Residential Use

- 7.11 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.12 For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. 52 of the 70 houses across the tenues (74%) of the dwellings proposed would be of a type which would be suitable for families (3 and 4 bed houses with gardens). There is greater need for this type of housing as identified by the SESHMA. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. The

proposal for housing would not be out of character in this location however, the principle of residential use is also dependant on flood risk and housing mix which is discussed below.

Flood Risk

- 7.13 The majority of the site is within Flood Zone 3a (high probability of flooding) with the remaining lower ground at the periphery of the site (close to the east and northeast boundaries) being in flood zone 2 (medium risk) and the higher elevated land to the bund and eastern boundary in flood zone 1 (low risk). In terms of flood risk, the creation of new dwellings constitutes a 'more vulnerable' use of the site.
- 7.14 Paragraph 159 of the NPPF states '*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.*'
- 7.15 The NPPF requires the sequential and then exception tests (if necessary) to be applied to developments in areas at risk of flooding. Paragraphs 162 and 163 of the NPPF state '*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. 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...The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding...If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exceptions test may have to be applied.*'
- 7.16 As set out at paragraph 164 of the NPPF, for the exceptions test to be passed it should be demonstrated that:
- a. The development would provide wider sustainability benefits to the community that outweigh the 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.
- 7.17 The application has been submitted with a sequential test, exception tests and a site-specific flood risk assessment (FRA).
- 7.18 The FRA comments that modelling of extreme events has predicted the maximum flood levels at the site during the 1 in 200 year plus climate change overtopping scenario as 4.64m AOD present day (2011) rising to 6.07m AOD in 2120. For the 1 in 1000 event this rises to 5.05m AOD and 6.48m AOD respectively. In the extreme event that the flood defences were overtopped or breached this would result in a maximum site flood depth of between 3.34m and 3.84m respectively.
- 7.19 The FRA estimates that '*defences would need to be raised prior to 2056 to prevent the 200 year climate change event overtopping defences and flooding the site*' but comments that '*The Essex and Suffolk Shoreline Management Plan states that the policy for this area is 'hold the line' and therefore the standard of protection of defences in this location will be maintained. However, the impact of climate change means the risk of tidal flooding at the site is likely to increase in the future during the extreme 200*

and 1000 year events.'

7.20 The FRA comments that flood warnings for extreme tidal events would be likely to be issued allowing time for safe evacuation. However, if it is not safe to do so safe refuge can be sought on the upper floors of the dwellings which are all sufficiently elevated above the anticipated extreme flood levels.

7.21 In order to address this risk the FRA recommends the following mitigation measures:

- Finished floor levels (FFL) of residential buildings have been designed so safe refuge is available within each property at a minimum of 6.49m AOD above the level of the 1 in 1000 year plus climate change breach event (6.48m AOD) and that all sleeping accommodation will be set above this level. The submission confirms that all sleeping accommodation will be at the upper levels which will have a minimum floor level of at least 6.49m AOD. This includes the flatted block which has habitable accommodation only above ground floor.
- A flood response plan will set out safe evacuation routes and details of the Environment Agency's flood alert service.

7.22 The Environment Agency have raised no objections to this proposal because, following the collaborative production of the "Southend-on-Sea Shoreline Strategy Plan – Funding Road Map" by Ardent Consultants and Southend City Council, and which is a material consideration in the assessment of this proposal, they are satisfied that the Council has a tactical plan for the sourcing of partnership funding to support delivery of the strategy to 'hold the line' in terms of the flood risk for this area. This sets out the intention to raise defence crest levels over time in line with sea level rises, ensuring the defences will provide the same Standard of Protection (SoP) for the next 100 years and sets out the approach for securing the funding to deliver this strategy. However, the Environment Agency comment that if this strategy is not taken forward, or the existing defences fail to offer the anticipated standard of protection, then the development would be unsafe and at risk of flooding in the future. They therefore recommend that the development utilises flood resilient and resistant construction. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. These details can be secured by condition.

Sequential Test

7.23 A Sequential Test has been submitted. This points out that Southend is significantly short of its five year land supply for housing and that windfall sites like this one are needed to contribute to meeting the housing supply target. The proposal for 70 dwellings represents a significant contribution towards this target. It also notes that the site will contribute to the regeneration of Shoeburyness. The site is in a sustainable location close to other residential areas. Following a review of potential sites within the local area it concludes that there are no other sequentially preferable sites which are available for such development at this time. Other sites which have a lower flood risk are either on safeguarded employment land or protected green space, severely contaminated or unavailable at this time.

7.24 The site is within Shoeburyness. Under Policy KP1 of the Core Strategy this area is promoted as an area for regeneration and growth. The preamble to Policy KP1 notes there are limited options to achieve regeneration and growth within the City and that

development on flood plains will be considered. This policy was adopted following The Thames Gateway South Essex Partnership Strategic Flood Risk Assessment.

- 7.25 Given the site is within an area identified for growth and regeneration, the content of the submitted Sequential Test and the location of the site it is considered that there is no reasonably available alternative site for this particular nature and form of development and as such the development passes the Sequential Test.

Exceptions Test

- 7.26 The application has also been submitted with an Exceptions Test. This test considers whether the sustainability benefits of the proposal, including the social, economic and environmental benefits, outweigh the flood risk associated with the site and whether the development will be safe for its lifetime. The sustainability benefits are stated as:
- Social - Significant contribution to housing delivery and meeting the shortfall of this City's housing targets. Provision of a substantial number of affordable homes. Health benefits relating to good quality housing, provision of open space and regeneration of the area.
 - Economic - A more efficient use of an under used site. The relocation of the existing business within the local area has maintained jobs. Increased Council tax revenue to support investment in the area.
 - Environmental – Ecological and biodiversity net gain, more efficient buildings in terms of energy and water usage and electric vehicle charging provision. Environmental enhancements for local heritage assets.
- 7.27 These enhancements are considered to be reasonable and demonstrate wider sustainability benefits which would outweigh the flood risk and the proposal is therefore considered to satisfy part (a) of the Exceptions Test.
- 7.28 For part (b) of the Exceptions Test to be satisfied, it must be demonstrated that the development will be safe for its lifetime without increasing flood risk elsewhere. In this respect, the submitted FRA concludes (as outlined above) that flood warnings for extreme tidal events would likely be issued with sufficient time to allow safe evacuation, however, if not safe to do so safe refuge can be sought on the upper floors of the dwellings which are sufficiently elevated above the anticipated flood levels. As noted above the Environment Agency has not objected to this proposal including on grounds of flooding.
- 7.29 As such it is considered that the development would be safe for its lifetime without increasing flood risk elsewhere. The development is therefore considered to satisfy part (b) of the Exceptions Test.
- 7.30 The proposed development is therefore found to be acceptable and policy compliant in regard to flood risk, subject to a condition requiring the development to be undertaken in accordance with the conclusions and recommendations of the submitted FRA and the recommendations from the Environment Agency for the development to utilise flood resilient and resistant design.

Residential Accommodation Mix

- 7.31 Policy DM7 states that '*the Council will encourage new development to provide a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes.*'

7.32 The Policy sets out the desired mix of dwelling types and sizes in all new major residential development proposals. This includes providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The preferred mix for major schemes and for the proposed development is as follows:

No of bedrooms	1 bed	2 bed	3 bed	4+ bed
Policy DM7 preferred market housing mix	9% 6 units	22% 16 units	49% 34 units	20% 14 units
Proportion of proposed dwellings Total (70 units)	6% 4 flats	20% 8 flats 6 houses 14 total	33% 23 houses	41% 29 houses
Proportion of proposed market dwellings (49 out of the total units)	0	6% 3 houses	35% 17 houses	59% 29 houses

7.33 Whilst the proposal does not fully conform with the preferred market housing dwelling mix as set out in the policy, it does provide a good mix of unit sizes for the market housing including 46 x 3 and 4 bed houses which are suitable for families for which there is an identified need. The absence of any proposed 1 bed market units is also considered acceptable in this out of city centre location as these are available in other more urban locations across the City. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Affordable Housing Provision and Mix

7.34 Policy CP8 seeks an affordable housing provision of 30% for major development proposals of 50 or more dwellings which should be split 60:40 between affordable rented and shared ownership units. A policy compliant provision of affordable housing for this proposal would be a total of 21 units and would comprise the following mix:

Policy Compliant Affordable Housing Mix	Policy DM7 requirement	No of AH Units for a 70 unit scheme
1 bed	16%	2 units
2 bed	43%	10 units
3 bed	37%	8 units
4 bed	4%	1 unit
Total	100%	21 units

7.35 The proposed affordable housing provision for this site is as follows:

Proposed Affordable Housing Mix	Affordable Rent	Shared Ownership	Total Affordable Housing Units
1 bed apartment	4 units	0 units	4 units (19%)
2 bed apartment	8 units	0 units	10 units (48%)
2 bed house	0 units	2 units	
3 bed house	4 units	3 units	7 units (33%)
4 bed house	0 units	0 units	0 units

Total AH units	16 units	5 units	21 Units
Percentages	76% of AH provision	24 % of AH provision	30% of all units

7.36 The proposed affordable housing provision at the site is the full policy requirement of 30% (21 units) but the mix differs from that required by Policy DM7 as there are fewer larger affordable units than preferred under the policy. The number of larger affordable units has been increased during the course of the application. It remains lower than the policy requirement in this regard as 7 x 3 bed houses differs from the policy objective of 9 x 3 and 4 bed houses. However, the Council's Housing Team do not object to the proposed mix because this is offset by the larger number of affordable rented units than is required by the policy (76% against a policy requirement of 60%) for which there is a greater need so representing a net beneficial position. Within the flatted block, which is proposed to be all affordable rented units, the 7 affordable wheelchair accessible building regulations M4(3) compliant units are included for which there is also an identified need and is a further benefit of the scheme to be weighed in when assessing the overall merits of the proposal. Drawing all of the above together, the affordable housing offer is considered to be acceptable in this instance and in the specific circumstances of this case. The affordable housing would be secured by the S106 legal agreement.

7.37 The financial viability assessment (VA) submitted with the application concludes that the development, including the provision of 30% affordable housing at the proposed mix, is deliverable but that the scheme cannot support any additional provision of affordable housing. An independent review of this appraisal confirms this conclusion and this LPA would not be able to insist on affordable housing provision greater than the 30% policy threshold in any event.

7.38 Overall, therefore it is considered that the affordable housing provision for the development is acceptable provided it is secured within the S106 legal agreement. The proposal is therefore acceptable and policy compliant in this regard.

Summary

7.39 Overall, it is considered that, giving due weight to the tilted balance in favour of housing development in the City, the flood risk implications, including the strategic position and development's proposed mitigation approach to risk, the type and mix of development and the provision of policy compliant affordable housing, the principle of the change of use to residential in this location is consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area Including Impact on Heritage Assets and Trees

7.40 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 Conservation Areas. Section 66(1) of this Act states, that for development which affects a Listed Building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any feature of special architectural interest that it possesses.

- 7.41 Paragraph 201 of the NPPF states *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...'* and paragraph 202 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 7.42 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.
- 7.43 Paragraph 126 of the NPPF states *'The creation of high quality, beautiful and sustainable 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.'*
- 7.44 Policy DM1 of the Development Management Document states that *"all 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."*
- 7.45 Policy DM5 of the Development Management Document seeks to protect the character and significance of the City's heritage assets including listed buildings and conservation areas (called designated heritage assets) and locally listed buildings (called undesignated heritage assets). It states:
1. *All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.*
 2. *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. High quality redevelopment of existing buildings within conservation areas which are considered to be of poor architectural quality will be encouraged.*
 3. *Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits."*
- 7.46 In relation to new development within the setting of the Conservation Area the Shoebury Garrison Conservation Area Appraisal states:

- New buildings within or in the setting of the Conservation Area should be appropriate in materials, scale, detail and massing to the street on which it is located and should conserve important views.
- The high standard of design for new buildings set within or in the setting of the Conservation Area should be maintained.

7.47 The site is directly next to Shoebury Garrison Conservation Area and within the setting of the listed buildings of Horseshoe Barracks and the landmark listed Garrison Church. It currently contains a large warehouse and rudimentary office building which is surrounded by hardstanding/car parking and a tall security fence. Aside from the trees and some areas of amenity grass around the periphery of the site which provide some softening to neighbouring buildings, the prevailing site overall is considered to have a negative impact on the setting of the listed church and wider conservation area. The proposal to demolish these buildings and fences and open up the south boundary is therefore positive for the conservation area and there is no objection to the demolition of the existing buildings in design or heritage terms.

7.48 The proposed development has a fine grain and the scale of the buildings sit comfortably with the surrounding development. The flatted block is relatively modest in size and height and has been located to the northeast corner of the site closest to the main road and some 11m away from the boundary of the conservation area and over 47m from the closest listed building in Horseshoe Barracks the nearest designated heritage assets. The layout comprises a central spine road which has been orientated to enable views through the development to the Garrison Church on its two main axes. This will give the development a distinct sense of place and improve the integration and links with the adjacent conservation area. The proposed public space at the southern end of the site and the formal arrangement of houses around this space will also enhance the setting of this landmark listed building and references the formal layouts of the Garrison public spaces and this is positive.

7.49 58 houses and one block of 12 flats are proposed on the site. The houses will be faced in brick with gabled roofs to reference the surrounding development. They are a variety of designs and unified through common elements including projecting brick decoration and feature windows to ensure that the scheme appears cohesive and retains a sense of order. The houses are arranged as short terraces, semi-detached pairs and rows of matching detached properties and this gives the streetscene a uniformity which again responds to the formal arrangement of the Garrison buildings. The flatted block is flat roofed to help minimise its impact on the surrounding townscape but the design incorporates common design references with the proposed houses to ensure that it positively integrates with the rest of the development. Overall, subject to the agreement of materials and key details which can be secured via conditions, the designs of the buildings are considered to be acceptable and compatible with the character of the area. The development is of an acceptable overall design, scale, form and layout and would not harm the character, appearance or setting of the nearby listed building and adjoining conservation area. The landscaping at the southern end of the site in particular would enhance the setting of the conservation area and nearby listed buildings. The proposal is acceptable and policy compliant in this regard.

Landscaping

7.50 An indicative landscaping scheme has been included with the application. This confirms that an extensive planting scheme is proposed across the site including the creation of a new area of combined open space/sustainable drainage feature along

the southern boundary, two wildlife areas, a sensitively designed playground and “play on the way” features and soft landscaped frontages to all new properties, parking areas and rear gardens. This will provide significant softening for the new buildings and improve the setting of the listed church adjacent to the southern boundary of the site. The site’s utilitarian wire fences will be removed and all publicly visible boundaries, including the screen boundary to the proposed pumping station, will be enclosed with brick walls to match the houses or low hedging significantly adding to the overall quality of the development and providing an appropriate setting for the nearby listed buildings. The southern boundary of the site will be opened along the entire frontage enabling a seamless integration with the Garrison to the south. A new pedestrian route through the site from its northeast corner to the southern edge will connect the residential area to the northeast including Shoebury High Street and station, to Hinguar School, Gunners Park and the estuary beyond, improving local pedestrian permeability representing a positive for the area generally and a public benefit to be weighed in favour of the proposal.

- 7.51 The landscaping scheme also introduces areas of block paving at key points throughout the site to further lift the overall visual quality of the development in this sensitive location close to heritage assets and creates a home zone feel in the quieter parts of the site so enhancing the design and quality of the scheme. A contribution to the maintenance of block paved areas within the adopted spine road will be secured via the S106.
- 7.52 The quality of a landscaping scheme can make a significant difference to the quality of the overall development. In this case, subject to the agreement of planting species, specifications and management, boundary and surfacing materials, it is considered that the proposed landscaping scheme is a positive aspect of the development for the site, and will enhance both the setting of the new buildings and nearby heritage assets. The proposal is therefore acceptable and policy compliant in this regard.

Trees

- 7.53 There are 42 individual trees/small groups of young trees of a range of sizes and quality across the site or close to the boundary of the site as well as a linear group of mixed young trees along the top of the raised bund to the northeast corner (approximately 40 trees). The individual trees include 6 category A trees (trees of high quality with an estimated remaining life expectancy of at least 40 years) and 13 category B trees (trees of moderate quality with an estimated remaining life expectancy of at least 20 years). The remaining 23 are category C (trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm) or U (trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years). 12 of the larger individual trees and the younger trees on top of the bund are covered by TPO 4/2022. This TPO was made in order to give control over the trees during the development process in response to public interest in the site. A further 8 mature trees to the northern edge fronting Campfield Road are covered by TPO 2/2012.
- 7.54 11 smaller unprotected trees/young tree groups in the centre of the site, 5 of the larger individual preserved trees and all the trees on the bund are proposed to be removed to facilitate the development. One of the preserved trees, T22 is in decline and exhibiting signs of die back. Another larger preserved tree T18 is growing very close to T19 such that their crowns are becoming intertwined. Removal of other larger preserved trees in the centre of the site is a consequence of the overall proposed building layout.

- 7.55 In respect of the bund in the northeast corner of the site, it is understood that the formation of the bund was manmade, not a natural landscape feature. It is understood to have been formed around the 1980's and the trees on top are likely to have been planted at this time so are relatively young compared to the other larger trees on and around the site. Investigations in this area have revealed elevated levels of cyanide concentration within the groundwater in this part of the site. These readings exceed the adopted generic assessment criteria for human health and water quality. The cyanide levels in the ground water in this specific location are significantly higher than across the rest of the site generally. The report concludes that this is likely due to the 19th century gasworks which once existed in this part of the site and which sat beneath the location of the existing bund. The investigations have also identified that the source is not the soil making up the bund itself, which was created more recently (samples from the bund did not show excessive levels), so it is most likely that the source of this contamination is within the shallow soils beneath the bund which have not been able to be investigated as yet. Remediation options have been assessed and the only feasible option identified is to remove the bund and undertake trial pit sampling once the soils have been removed. The technical submissions conclude that sampling with the bund in place is not a feasible option due to the incline of the banks, presence of trees and vegetation and lack of flat surface for installation of equipment. This additional investigation is necessary to ascertain and remediate the source of the cyanide in order to negate impacts to groundwater and potentially to human health should the cyanide migrate or levels concentrate elsewhere on the site. The report states that *'It is a requirement of the Remediation Strategy that a further ground investigation is conducted on the soils below the bund. At this stage, the cyanide in the groundwater poses an unquantifiable risk, which cannot be fully assessed without a ground investigation. Should cyanide be identified in significant concentrations in the soil, remediation of the ground will be required to reduce risk to controlled waters. It is not possible to undertake this investigation whilst the bund is in-situ.'* The Council's Environmental Health Officer confirms that this area requires remediation and does not disagree with the recommended remediation approach.
- 7.56 Including the trees on the bund and young trees a total of 62 trees are proposed to be removed but 105 new individual trees will be planted in the main open space to the south, within the new woody wildlife area to the southwest and northeast corners of the site and within new dwellings' back gardens where they are placed so that they are visible from the public realm to provide a pleasant back drop for the new houses and to terminate views within the site and to provide additional softening and screening between the buildings. In addition, 540 smaller hedgerow tree species will be planted along the entire eastern boundary of the site to form a green screen to Horseshoe Crescent and a wildlife corridor between the northern and southern green spaces. The proposed tree species have been chosen to suit the individual situations and to enhance the biodiversity of the site.
- 7.57 Third party concerns have been raised about the loss of trees at the site in terms of their visual impact, impact on the setting of heritage assets, loss of canopy cover and impact on wildlife, cooling and impact on air pollution. The trees proposed to be removed are generally within the centre of the site or on the bund itself to be removed. The trees on the bund have been classified in the Arboricultural report as category C. Those trees close to the conservation area boundary will be retained and will continue to positively contribute to the setting of the nearby heritage assets. These will be supplemented by new tree planting on the eastern and southern boundaries which will also, in time, enhance the views into and out of the adjacent conservation area and will enhance the setting of the nearby listed buildings. These trees have been carefully

located to preserve views of the listed church through the site which contribute to the sense of place and the distinct character of the new development. The loss of those trees on the bund in particular will result in a loss of canopy cover and it will be some time before the replacement trees at the site are able to provide a comparable level of cover, however, as noted above, the bund needs to be removed to enable the remediation of the contamination in the earth below, not just to enable greater space for buildings. The trees on this bund are smaller specimens which are screened in many views by the canopies of the larger trees on Campfield Road and along the eastern boundary of the site. This means they make less of a contribution to external views of the site from the surrounding roads and spaces. The landscaping proposal for the site includes a variety of measures to enhance biodiversity helping to offset the loss of wildlife habitat as a result of the loss of the bund. In respect of air pollution, the submitted air quality assessment confirms the impact on air pollution from the loss of the bund would be 'not significant' and Environmental Health and the Children and Public Health Department have raised no objection to the proposal on air quality grounds - this is discussed in more detail in paragraphs 7.122-7.131 below.

7.58 The Council's Arboricultural Officer has raised no concerns about the loss of tree T22 due to its poor health. The suppressed location of T18 is also noted and this is the only category A tree proposed to be removed. The 5 remaining category A trees are all being retained. 13 of the 16 category B trees are also being retained. The loss of the category B preserved trees, T2, T3 and T14, is due to their location in the centre of the site and their removal will enable a holistic approach towards the site layout including balancing heritage, townscape, design and functional considerations have been weighed against the public benefits of the scheme including the provision of housing, for which there is a significant need. No objection is raised to the loss of the small trees category C and category U trees within the site. The need to remediate the soil under the bund so that the site is suitable for residential development is also acknowledged and accepted. The extent and nature of the proposed replacement tree provision at the site which is significantly greater than the number proposed to be removed and the significant biodiversity enhancement proposed in the landscaping scheme will balance against the loss of trees in this instance, including those on the man-made bund, and it should be noted that the recent TPO was made to give the Council control over the trees during the development process to ensure that they were given significant weight in the design of the scheme however this does not mean that all the preserved trees should be preserved at all costs. The overall impact on trees needs to be weighed in the balance and the scheme as it stands has retained and protected a significant majority of the larger mature trees on the site and these will be a feature of the scheme going forward. It is considered that when taken in the round, in this instance, and subject to appropriate conditions in relation to landscaping and biodiversity, these benefits outweigh the loss of these some of the smaller and centrally located preserved trees on the site.

7.59 The applicant has responded positively to Planning and Parks service Officers' advice that the remaining 15 larger preserved trees on the site be retained and adequately protected during and after the development. This includes retention of T21, a category B tree originally proposed to be felled, and ensuring that sufficient raised land is retained in the gardens of properties proposed along the eastern boundary to ensure adequate root protection and growing space for the two large protected Turkey Oaks, T15 and T19 in this location. It has also been agreed that there will be areas of no dig construction for all footpaths crossing root protection areas and to ensure that the removal of the bund does not harm the adjacent mature preserved trees to be retained on the Campfield Road frontage. Some pruning works are also proposed to some of the retained trees to enable construction of the adjacent buildings but these works are

generally minor and will not detrimentally impact on the health or the amenity of the remaining trees. The tree protection measures and details of the retaining wall required for the changes in levels close to T15 and T19 can be controlled by condition. It is also considered that a condition should be imposed which restricts the permitted development rights for outbuildings along the eastern boundary to enable control over potential harm to trees in this location. Subject to these conditions it is considered that the tree protection measures are acceptable.

- 7.60 The Council's Tree Officer acknowledges that there will be a loss of wildlife habitat from the removal of the trees on the bund and advises that a more diverse mix of replacement trees is needed across the site to enhance the biodiversity of the site and reduce the risk of potential future tree loss from diseases. The landscaping scheme has been amended in line with these suggestions. Overall, subject to the implementation of suitable tree protection measures and a tree management plan for the retained and new trees, which can be secured by condition, the Council's Tree Officer does not object to the proposal. In all therefore the replacement tree planting scheme will significantly exceed a usually sought ratio of two for one replacement. It is also considered to be both a reasonable approach to the nature and form of residential development sought and to represent a strategically acceptable approach to how retained existing and new trees will contribute to future public amenity, ecology and the local environment. Overall, subject to the described conditions, the development is considered acceptable and policy compliant in the above regards.

Archaeology

- 7.61 The proposed development will not physically impact on any designated archaeological assets but is approximately 200m from the Scheduled Monument known as the 'Danish Camp', the remains of a defended prehistoric settlement which has significant archaeological potential and is directly next to Shoebury Garrison Conservation Area. Previous archaeological investigations of the scheduled monument and its environs have revealed a number of well-preserved iron age features and finds, and some evidence of earlier Mesolithic and late Neolithic/Early Bronze Age activity.
- 7.62 A Desk Based Archaeological Assessment (DBA) has been submitted with the application. This states that 'Based on findings within a 1km study area around the site this assessment has identified a low archaeological potential for the Palaeolithic, Mesolithic, Anglo-Saxon and Medieval periods. A low to moderate potential has been identified for the Neolithic, Bronze Age and Roman periods, a moderate potential has been identified for the Iron Age (due to the proximity of the Danish Camp) and a moderate to high potential has been identified for the Post Medieval Period (due to overlap with a small 19th century gasworks at the northern extent and the western edge of the former Shoebury Garrison at the eastern edge of the study site).'
- 7.63 It concludes that it is possible that archaeological remains could be found at the site, but these are likely to be of local significance only.
- 7.64 The Council's Archaeology Curator has reviewed the DBA and has raised no objections in principle to the proposed development but advises that the site should be subject to further archaeological investigations in the form of trial trenching. A written scheme of investigation setting out the proposed location and process for trial trenching can be agreed via condition. Subject to this, the proposal is considered to be acceptable and policy compliant in this regard.

- 7.65 Overall therefore, taking into account the need to remediate the contaminated land below the bund and the efforts made to ensure the viable retention of key trees across the site, and the level and quality of the proposed tree planting and the wider landscaping scheme, it is considered that the proposal would have an acceptable impact in regards to trees and is policy compliant in this regard.
- 7.66 It is considered that, subject to conditions relating to materials and detailing, landscaping, tree protection and archaeology, the proposal would have an acceptable impact on the character of the area, including the setting of heritage assets and impact on trees, and is policy compliant in these regards.

Amenity Impacts

- 7.67 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

East Boundary with Horseshoe Crescent

- 7.68 The proposed 3 storey (10m tall) flatted block at the northeast corner of the site will be set at a lower ground level than the existing land in this location and the submitted sections show that it will therefore be of a comparable height to the ridges of existing and proposed houses and maisonettes in this location. The submitted plans show this flatted block to have 7 windows to the eastern elevation facing towards Horseshoe Crescent. Those windows to the northern and southern ends of the eastern elevation are secondary windows to the living areas and the windows in the middle are to bedrooms and the communal stairwell. The building would be some 14m from the site's eastern boundary at the southern end and some 11m to its eastern boundary at the northern end. The closest neighbour, No's 49-51 Horseshoe Crescent, is located towards the southern end and would be over 21m from the proposed flatted block and over 11m to the boundary wall to the garden of this neighbour. The neighbour has habitable room windows and an external staircase to the garden facing the site.
- 7.69 Despite this reasonable separation distance, the applicant has responded to concerns raised by third parties in relation to overlooking, by agreeing that the closest windows to these neighbours at the southeast corner of the building be obscure glazed. Additionally, a row of trees will also be planted between the proposed and existing neighbouring properties to provide additional screening. The submitted Daylight and Sunlight Study confirms that these neighbouring properties will maintain good levels of daylight and sunlight. The parking area for the flatted block is within an enclosed undercroft area which will provide protection from noise and disturbance from vehicles in this location.
- 7.70 It is therefore considered that the proposed flatted development would have an acceptable impact on the amenity of the nearest neighbours in all relevant regards.
- 7.71 Further south, the 2 storey houses proposed along the eastern edge of the site are typically 10m from the shared boundary and over 22m from the corresponding neighbours in Horseshoe Crescent. The properties on the eastern boundary are also set at a significant lower land level (approx. 900mm lower) than the neighbouring

properties in Horseshoe Crescent so further reducing the impact of the proposed development on the neighbours to the east. Plot 28 is the exception. This property has an angled garden following the shape of the site which is less than 10m to the boundary at its northern side. However, this property only has a secondary bedroom window in its eastern elevation at first floor which can be conditioned to be obscure glazed with limited openings thereby ensuring that there is no harmful overlooking. Similarly Plot 19 at the southern end of the row has a sharply angled garden but this aligns with a vehicular access way in the Garrison site so there would not be any harmful overlooking of neighbours in this location.

7.72 As with the flatted block the submitted Daylight and Sunlight Report confirms that the surrounding neighbouring properties will maintain good levels of daylight and sunlight and the sections demonstrate that, in terms of outlook, the proposed development will in fact result in a significant improvement over the existing building which is taller and larger in scale with a more imposing relationship to the individual houses very close to the boundary in the southeast corner of the site. It is therefore considered that the proposal would have an acceptable impact on the amenities of neighbouring properties in Horseshoe Crescent in all relevant regards.

West Boundary with Westgate and Campfield Road

7.73 On the western boundary the proposed houses facing west are over 25m from the boundary with the closest properties on Campfield Road. Plot 14 has its flank elevation 2m from the rear garden of No.120 Campfield Road but this is at the very end of its garden, some 18m from the rear of the neighbouring dwelling itself and is set at an angle directed away from the neighbour. This relationship is considered to be acceptable.

7.74 At over 45m the neighbours in Westgate and New Garrison Road to the south are significantly away from the proposed development and will not be impacted by the proposed built form in any relevant regards. Similarly there are no concerns about the proposal's impact on the industrial units on the northern side of Campfield Road. All other dwellings are sufficiently removed from the development to ensure that it would not result in any significant harm to their residential amenity in any relevant regards.

7.75 Overall, subject to the obscure glazing condition in relation to plot No 28, it is considered that the proposed development is acceptable and policy compliant in relation to neighbour amenity.

Standard of Accommodation

7.76 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms.

7.77 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	

7.78 All dwellings within the proposal meet or exceed the required standards and are acceptable and policy compliant in overall size, storage spaces and bedroom sizes.

Light and Outlook

7.79 The Daylight and Sunlight Report confirms that all the dwellings will meet the requirements for daylight and sunlight provision and all habitable rooms have good outlook. The proposal is therefore acceptable and policy compliant in this regard.

Privacy and Overlooking within the Development

7.80 All proposed houses have some 10m between their rear elevation and their rear garden boundary ensuring sufficient privacy between the plots. The irregular shape of the site also means that the rear elevations of the houses are all offset from each other further reducing any direct inter-looking opportunities between the properties themselves.

7.81 Given the proximity of the development to neighbouring properties and finely balanced relationship with the grain and character of the area, it is considered appropriate in this case that permitted development rights should be controlled by condition so that the implications of future extensions or outbuildings on the character of the area and neighbours can be reasonably controlled. It is also considered that permitted development in relation to the creation of hard surfacing should be controlled via condition to control any potential loss of landscaping to the dwellings' fronts which is considered to be an important aspect of local character. Subject to this condition it is considered that the proposal overall is acceptable and policy compliant in terms of privacy and overlooking relationships within the development.

Noise and Disturbance and Thermal Comfort

7.82 The northern boundary of the site fronts Campfield Road which is a key vehicular route. There are also industrial uses opposite part of the site on the northern side of Campfield Road. An Acoustic Assessment and an Overheating Review have been submitted with the application to assess these impacts on the new development. The Noise report concludes that the noise impact from the road will not be significant however some properties will require mitigation in relation to the noise impact from

Cumberland Packaging opposite. To address this the Overheating Review recommends mechanical heat recovery and ventilation systems be installed on those units which front Campfield Road so that the occupants can keep the windows closed to address any noise nuisance whilst maintaining adequate ventilation. This can be secured by condition.

- 7.83 The noise report also notes that the balconies to the flatted block facing the industrial units will also be subject to some noise and disturbance and recommends that the balustrade designs are changed from a simple bar to a more solid design. These have been amended to a louvered arrangement across the whole building so that the cohesiveness of the block is maintained. In addition, the balconies facing the industrial units have been re-sited to be orientated away from the noisy uses. It is not possible for the communal amenity space at ground floor to have a walled boundary or acoustic fence as recommended by the noise report due to the impact on the preserved trees in this location, but a closely planted tall hedge boundary is proposed to provide some limited noise attenuation. Subject to these measures and amendments the proposal is considered to provide an acceptable standard of accommodation in relation to the internal environment of the new dwellings and is policy compliant in this regard.

Building Regulations M4(2) and M4(3) – Accessibility

- 7.84 Policy DM8 requires all new dwellings to be accessible and adaptable to meet the Building Regulations M4(2) standards and requires 10% of the units (7 units) to meet the Building Regulations M4(3) wheelchair compatible requirements. This includes providing 7 disabled parking spaces and a lift to all flats. A lift is proposed within the flatted block and all units have level thresholds. The plans show that 7 of the 12 units within the flatted block are Building Regulations M4(3) compliant. This block is proposed to be all affordable housing. The grouping of all M4(3) units within one block is not ideal but these will form part of the affordable housing offer and the Housing Team have confirmed that there is an identified need for this type of housing so this arrangement is considered to be acceptable. The remainder of the flats and all the houses are Building Regulations M4(2) compliant and compliance with these standards can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Amenity Provision

- 7.85 All the proposed dwellings have a private garden of between 38sqm and 125sqm with most properties having a garden of at least 50sqm. All the flats have a balcony of some 5sqm in addition to a communal amenity area of some 350 sqm. This will provide adequate amenity space for all residents. Subject to the agreement of landscaping details, the proposal is acceptable and policy compliant in this regard.
- 7.86 The scheme also includes an area of public open space to the south boundary which includes a small playground for younger residents (Local Area of Play or LAP) and this is also seen as a benefit of the scheme. The facility is considered to be of a scale that would not cause noise nuisance to neighbours both within the development and close to the boundary of the site.
- 7.87 Overall, it is considered that, subject to the conditions noted above, the proposal will provide a satisfactory standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Traffic and Transportation Issues

- 7.88 The NPPF states (paragraph 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.”*
- 7.89 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.
- 7.90 Policy DM15 of the Development Management Document 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. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity.”* The standard for flats set out in Appendix 6 of Policy DM15 is a minimum of 1 parking space per flat and a minimum of 2 parking spaces per house.
- 7.91 The site is close to bus routes on Ness Road, and within reasonable walking distance of Shoebury Station, West Road Local Centre and the Seafront. The site has always been private and enclosed by fencing so has not made any contribution to the overall walking and cycling network. In addition to the new road layout, a new footpath link is proposed across the site from the northeast corner to the southern boundary sol enabling improved permeability and connectivity for residents of the development and in the surrounding area to Hinguar School and Gunners Park to the southeast and to Shoebury High Street and Station to the northeast. This is a significant benefit of the proposal.
- 7.92 Each house has been provided with a minimum of two off-street car parking spaces either on the frontage, within a garage or within a small landscaped parking courtyard. Five of the largest houses have 3 off-street parking spaces. All garages meet the Development Management Document size requirements of 3m x 7m. 12 parking spaces, including 7 disabled spaces are provided for the 12 flats within its undercroft. All properties, including the flats and disabled spaces, will have access to an electric vehicle charging point, the majority on plot. Eight additional visitor parking spaces are proposed throughout the development making a total of 141 spaces for 70 units (58 houses and 12 apartments). The Council’s Highways Officer has raised no objections to the proposed parking arrangements. Overall, the parking provision at the site is considered to be acceptable and policy compliant.
- 7.93 A Transport Statement has been submitted with the application. This estimates that the existing 3,000sqm industrial use generates 17 two-way vehicle movements in the weekday AM peak hour and 11 two-way vehicle movements in the weekday PM peak hours and that overall there is in the region of 142 two way daily vehicle movements of which 24 are predicted to be OGV (ordinary goods vehicle) movements. The proposed residential use is predicted to generate 38 two-way vehicle movements in the weekday AM peak hour and 40 two-way vehicle movements in the weekday PM peak hours. Overall, this use is forecast to have 360 two-way daily vehicle movements of which 4 are OGV movements. Comparing these two scenarios it is predicted that there will be an additional 21 two-way vehicle movements in the weekday AM peak hour and 29 two-way vehicle movements in the weekday PM peak hours which equates to around 1 additional vehicle every 2-3 minutes. Overall it is forecast that there would be an extra 219 two way daily vehicle movements, but there will be a

reduction in OGVs of around 20 vehicle movements throughout the day. In the worst case scenario, it is possible that all these movements could use the Campfield Road / B1016 (Ness Road) / A13 (Ness Road) junction.

7.94 The Council's Highways Officer considers that this increase in vehicular movements would not have a serve impact on traffic generation at this junction and in the area generally, however, a contribution of £8,000 will be secured in the S106 which will be pooled with contributions from neighbouring development sites to upgrade this junction. A contribution of £4,000 for the introduction of a Traffic Regulation Order and £18,000 for the maintenance of block paving has also been agreed with Highways in relation to the adoption of the central spine road.

7.95 Overall, subject to the necessary S106 contributions outlined above, and planning conditions it is considered that the proposal is acceptable in terms of parking provision and traffic impact on the local road network and is policy compliant in this regard.

Cycle Storage

7.96 Policy DM15 sets a standard of a minimum of 1 covered and secure cycle space per dwelling. The submitted plans demonstrate that this standard is achieved through a mixture of dedicated cycle storage in garages, gardens or within the communal cycle store in the flatted block. The proposal is acceptable and policy compliant in this regard. This can be secured via condition.

Travel Information Packs

7.97 A proposal of this scale is required to provide Travel Information Packs to new residents so that they are made aware of alternative, sustainable travel options. This will be secured within the S106 agreement. In this instance the Council's Highways Officer has not required a Travel Plan given the policy compliant level of parking proposed at the site. The proposal is acceptable and policy compliant in this regard.

Refuse and Recycling

7.98 The Southend-on-Sea Waste Management Guidelines for developments of 12 flats recommend 2 x 1100 litre bins for recycling, 2 x 1100 litre bins for general waste plus card and food waste containers as required. The submitted plans show dedicated refuse and recycling stores within the flatted block with provision for 4 x 1100 litre euro bins and 8 x 140 wheelie bins to serve the flats. The houses all have space for bin storage within their garages or gardens. Refuse freighter tracking has been provided. All the above meet the Council's Guidelines and the proposal is acceptable and policy compliant in this regard. The provision of the refuse and recycling stores can be secured via condition.

Construction Management Plan

7.99 The site is a significant size and will involve significant demolition close to neighbours. It is therefore reasonable to require a construction management plan to be submitted and agreed prior to the commencement of the works. This can be required by condition.

Summary

7.100 Overall, the proposal is therefore acceptable and policy compliant in terms of traffic and transportation impacts subject to the described conditions.

Sustainability

- 7.101 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).” Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.” This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.102 The submitted energy statement proposes the installation of PVs on the roofs of the dwellings and the flatted block to meet the policy requirement for renewables. On the houses these will be fitted flush with the roof slope to minimise the impact on nearby heritage assets. Whilst this is an improvement over the standard design, there is a concern that the panels on those properties fronting onto the public open space, which are in the setting of the listed Garrison church would not be appropriate. However, this could be addressed by changing the renewable technology to a more discreet technology such as an air source heat pump or relocating the panels to a less prominent location on these particular, most sensitively located buildings. The exact details of the renewables can be controlled by condition. The requirement for water efficient fittings can also be secured by condition. The proposal is acceptable and policy compliant in this regard subject to these conditions.

Sustainable Drainage

- 7.103 All major schemes are required to demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff. Third party concerns have been raised in regard to surface water flooding in the vicinity of the site.
- 7.104 Various drainage reports and strategies have been submitted with the application. These comment that, as there is a slight fall across the site north to south, a pumping station is required to pump the foul water up the slope to the existing sewer connection in Campfield Road. Anglian Water have confirmed that this has available capacity. Surface water will be drained via a separate private drain to an existing outfall in the southwest corner of the site ensuring no surface water is directed into the local sewer network.
- 7.105 In storm events the excess surface water will run into the detention basin at the southern end of the site. This has the capacity to hold around 420 cubic metres of water which will slowly release into the private drain as capacity allows. This adds an additional 42% capacity to the system above the requirements for the 100 year + 40% climate change storm event. Rear gardens will also be soft landscaped and self-contained therefore will not contribute to site runoff. The strategies conclude that there will be no increase in the risk of surface water flooding as a result of the proposal. The Local Lead Flood Authority have raised no objections to the proposed sustainable drainage strategy in principle subject to the submission of further details of maintenance of the private drainage systems and assets including the pumping station. This can be required by condition. Subject to this condition, the proposal is considered to be acceptable and policy compliant in regard to sustainable development and drainage.

Ecology and Biodiversity

7.106 Core Strategy Policy KP2 and Development Management Document Policy DM2 require development to respect, conserve and enhance biodiversity.

Protected Species

7.107 A preliminary ecological appraisal and bat survey have been submitted with the application. The desk study identified four records of badger *Meles* (European badger) within a 1 km radius of the survey area however it noted that the managed grassland and buildings and security fencing on site provide suboptimal habitats for badgers and no evidence was found to indicate badger activity at the site. However, badgers are mobile animals and there is the potential that badgers may pass through the site and could therefore be harmed during the construction phase of the development. The report therefore includes a number of recommendations to protect badgers during construction, including the requirement to leave a plank in any trenches to allow badgers to climb out, which can be secured by condition. The report concludes that, aside from bats which are discussed below, the managed grassland does not provide suitable habitat for other protected species except for nesting birds. In this regard the report recommends that vegetation and building clearance should be undertaken outside of the bird breeding season (March – August) or under the supervision of an ecologist. This can be secured by condition.

7.108 The bat survey confirms that 3 species of bat were detected in the area generally and a small amount of bat activity was recorded during the two surveys at the site but no bats were identified emerging or re-entering any features on the site although commuting and foraging activity was recorded. No bat roosts were identified within the buildings, however, it is recommended that another bat survey is undertaken (at an appropriate point between April and September) prior to commencement of the development as more than 12 months have passed since the initial surveys were undertaken in June 2022. The report also makes a number of recommendations for lighting and the installation of bat boxes. These recommendations, including the requirement for an additional survey, can be secured by condition.

7.109 Overall therefore, subject to these conditions, the proposal is considered to be acceptable and policy compliant in terms of its ecological impact in all relevant regards.

Biodiversity

7.110 The indicative landscaping plan submitted outlines the proposals for new planting within the development. This includes areas specifically dedicated to improving the biodiversity of the site such as 'species rich' grassland/wildflower areas and mixed species native hedgerow planting as well as bulb and shrub planting and 105 new trees and 540 smaller hedgerow tree species will be planted to supplement the retained trees at the site. Front gardens are proposed to be shrub planted enclosed by ornamental hedging. Full details of the landscaping will be secured via condition.

7.111 As noted in paragraphs 7.53-7.60 above the proposal removes some trees, including those on the bund which will remove an element of wildlife habitat from the site, however this is required to enable the land beneath the bund to be remediated of cyanide. It also enables this part of the site to be used as part of the overall additional housing development for which there is an identified need. The proposed landscaping scheme, including new tree and planting seeks to compensate for this lost habitat and biodiversity across the site.

7.112 A Biodiversity Metric Assessment has been submitted with the application. The purpose of the Biodiversity Metric Assessment (BMA) is to identify the change in biodiversity value that may result from a change in land use (e.g. development) at the site and to establish if a net gain for biodiversity can be achieved. The BMA uses a biodiversity metric to provide a proxy measure of biodiversity based on habitat attributes, which can then be used to determine the relative change in biodiversity value resulting from any land use or management measures proposed.

7.113 The existing site is made up of buildings/hardstandings which score 0, plus modified grassland, small areas of introduced shrub planting and scattered trees. According to the standard assessment criteria and methods the baseline habitat has been scored at 3.84BU (biodiversity units) and the baseline hedgerow has been scored at 0.31BU. The proposal, which includes new wildflower and woodland areas, native shrub and tree planting, retained trees and private gardens and new native and ornamental hedgerows has been scored at 5.25BU for habitats, a 1.41BU increase over the baseline, and 0.94BU for hedgerows and increase of 0.63UB. This score is based on the projected habitat values over a period of 30 years so it is recommended that a Landscape and Ecological Management Plan is put in place over this period to ensure that the new landscape features reach their biodiversity potential. This can be secured by condition. The report concludes that, subject to this management plan, the gains in biodiversity are predicted to compensate for the loss of existing natural features such as the line of trees on the bund.

7.114 Overall therefore, subject to these conditions, the proposal is considered to be acceptable and policy compliant in terms of its impact on biodiversity in all relevant regards.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

7.115 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). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. 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 RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment will be secured via the S106. The proposal is therefore considered to be acceptable and policy compliant in this regard.

7.116 Overall it is considered that, subject to securing the implementation of ecology mitigation and enhancement measures as proposed, and the securing of the RAMS payment via the S106 agreement, the proposal is acceptable in terms of biodiversity and ecological impacts and is policy compliant in this regard.

Land Contamination

7.117 The site has an industrial history and current use. A gasworks was located in the north-eastern section of the site from the late C19 until the 1970s and it previously also contained a section of the tramway which connected Barge Pier to Shoeburyness

Station. Its most recent use, from the 1980s onwards, was by Cantel Medical and includes a large warehouse and various external and buried storage tanks for fuels and chemicals associated with this business. The bund in the north eastern part of the site was installed around this time above the site of the former gasworks.

- 7.118 Site investigations have identified a hydrocarbon hotspot in the east of the site and elevated concentrations of cyanide within groundwater beneath the site in the northern section, which exceed generic assessment criteria. The hydrocarbon concentration is associated with a heating oil fuel leak from one of the fuel tanks and the cyanide is likely associated with the site's former use as gasworks.
- 7.119 Remedial works are therefore necessary to prevent risks to future site users, likely to comprise a groundwater monitoring programme, and excavation and removal of contaminated material. An Interim remediation strategy has been submitted which sets out the remediation approach for these areas. As noted in paragraph 7.55 above, it will be necessary to remove the bund in order to remediate the cyanide contaminants in the soil beneath. The soil from the bund has been tested and found to be safe for use in communal areas so will be reused at the site where levelling is required. The Council's Environmental Health Officer confirms that the proposed remediation strategy is acceptable and should be implemented prior to development. This can be required by condition. Subject to this condition, the proposal is acceptable and policy compliant in this regard.

Levels

- 7.120 There is an existing level change across the site north to south of approximately 2.5m and around a 1.8m difference east to west. The most significant change is close to the eastern boundary where the land drops some 1.5m over a short distance close to the boundary with Horseshoe Crescent. The bund in the northeast corner of the site is man made, not a natural feature. It rises some 4m above the surrounding ground level. The lowest point of the site is therefore in the southwest corner hence the siting of the proposed pumping station in this location. This is required to pump used water back up the slope to the connection in Campfield Road.
- 7.121 Sections submitted with the application show some limited change in levels to create a flatter site to facilitate the development, slight land raising in places to address the flood risk at the site enabling the first floor of the houses to be above 6.49mAOD and therefore above the 1 in 1000 flood level as discussed in section 7.21 above. The material from the bund (some 4,000 cubic metres), which, unlike the soil beneath the bund, has been tested and found to be uncontaminated, is proposed to be reused in this relevening exercise to reduce the need for imported fill. Some of the high bank to the eastern side of the site is also proposed to be removed. The submitted sections and information show that excluding the bund, changes in levels vary between -775mm to 1.5m (not including bund removal). The submitted documentation confirms an average of 400mm increase in land levels across the site. The management of the construction of the development, including site levelling works, can be controlled via the conditioning of a construction management statement and existing and proposed levels. Subject to these conditions, the proposal is considered to be acceptable and policy compliant in this regard.

Air Quality

- 7.122 The 2008 Ambient Air Quality Directive sets legally binding limits for concentrations in outdoor air of major air pollutants that affect public health such as particulate matter

(PM10 and PM2.5) and nitrogen dioxide (NO2). The NPPF at paragraph 186 states *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.'*

7.123 National Planning Practice Guidance paragraph 005 states:

'Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species).

Where air quality is a relevant consideration the local planning authority may need to establish:

- the 'baseline' local air quality, including what would happen to air quality in the absence of the development;*
- whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and*
- whether occupiers or users of the development could experience poor living conditions or health due to poor air quality.'*

7.124 Policy CP4 states:

"Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend. This will be achieved by: ...

9. safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance;...

13. protecting natural resources from inappropriate development;

14. preventing, reducing or remedying all forms of pollution including... airborne pollution..."

7.125 Policy DM1 states:

'The Council will support good quality, innovative design that contributes positively to the creation of successful places... In order to reinforce local distinctiveness all development should:...

iv. protect the amenity of the site, immediate neighbours and surrounding area, having regard to... pollution...'

7.126 And Policy DM15 states:

'1. 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...

2. *Access to the proposed development and any traffic generated must not unreasonably harm the surroundings, including the amenity of neighbouring properties and / or the public rights of way...*
3. *... The provision of facilities for charging electric vehicles and other ultra-low emission vehicles will be encouraged wherever practical and feasible.'*

7.127 There are two Air Quality Management Areas (AQMA) in Southend both in the city centre over 6km from the site. In respect of promoting sustainable travel, the proposal includes cycle parking and electric vehicle charging for all 70 units as well as the provision of Travel Packs for new occupiers to encourage the use of public transport.

7.128 An Air Quality Assessment (AQA) has been submitted with the application. This considers both the suitability of the site for the proposed development and the potential impact of the proposed development on local air quality during the demolition and construction and operational phases including particulates from demolition, fumes from vehicles during construction and in relation to new residents. The predicted impact on air pollution arising from the proposed development has been appraised in accordance with the national guidelines. The report concludes that the impact of the development on air quality both in its demolition/construction phase and its operation phase falls below the threshold set by the Institute of Air Quality Management and has been assessed as being 'not significant' and concentrations of emissions within the Site are anticipated to be comparable to background conditions and are anticipated to be well below the annual mean objectives for NO₂ (Nitrogen dioxide), PM₁₀ (particles) and PM_{2.5} (fine particles).

7.129 In regard to the impact of the loss of the bund and associated trees on the air quality of the existing and proposed residents the AQA comments that the existing air quality baseline for this area is generally good and the pollutants are well below the objectives set out in the guidance and as such there would need to be a significant change in the site characteristics in order for the pollutant concentrations to potentially exceed the current relevant objectives or to result in non-negligible impacts. The proposed changes to the bund and vegetation are not likely to result in a size of change in the dispersion environment for this to occur. Therefore, any effect associated with removal of the existing trees and bund on existing receptors is anticipated to be 'not significant'. Furthermore, the report comments that as the development site is directly upwind of Campfield Road, the prevailing south-westerly winds in this area will generally push pollutants northwards towards the industrial area and away from sensitive receptors.

7.130 The AQA therefore concludes that future residents of the proposed development and neighbouring residents, will experience good air quality and the site is suitable for residential development. Notwithstanding this conclusion, the report recommends a number of air quality mitigation measures, including the provision of cycle parking, travel packs and EV charging (already required by policy DM15), a Dust Management Plan including daily monitoring and dust mitigation for demolition and construction which can be required to be implemented as part of the Construction Management Plan condition.

7.131 The Council's Environmental Health Officer has not raised any objections to the development in this regard subject to the above conditions. It is therefore considered that the proposal is acceptable and policy compliant in this regard.

Planning Obligations

7.132 Paragraph 57 of the NPPF states that: *"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.”

7.133 Paragraph 58 of the NPPF states ‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.’

7.134 The National Planning Practice Guide makes it clear that ‘Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.’

7.135 Core Strategy Policy KP3 requires that: “In order to help the delivery of the Plan’s provisions the Borough Council will:

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as:

- a. roads, sewers, servicing facilities and car parking;
- b. improvements to cycling, walking and passenger transport facilities and services;
- c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS);
- d. affordable housing;
- e. educational facilities;
- f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate;
- g. any other works, measures or actions required as a consequence of the proposed development; and
- h. appropriate on-going maintenance requirements.”

7.136 The following planning obligations have been agreed with the applicant:

	Proposed Head of Term	Details
1	On Site Affordable Housing	Affordable Rent 4 x 1 bed apartments 8 x 2 bed apartments 4 x 3 bed houses Shared Ownership 2 x 2 bed houses 3 x 3 bed houses As shown on drawing D-101 rev D
2	Education	Secondary education contribution of £220,597.43
3	Highways	£4,000 – Traffic Regulation Order - for

		<p>traffic control within site. £8,000 - contribution towards the upgrading of Ness Road / Campfield Road junction (other sites in the area are also contributing via their S106s) £18,000 - Contribution to the maintenance of block paving on the site's adopted road over the next 20 years</p> <p>Total = £30,000</p>
4	RAMS Ecology mitigation	£156.76 per unit (70) = £10,973.20
5	Travel Information Packs	Details to be agreed with LPA prior to commencement and provided for each unit on occupation.
8	S106 Monitoring Fee	£10,000

NHS Contribution

7.137 The NHS requested a financial contribution of £33,200 towards the delivery of GP services in the area. This figure, provided by the NHS is based on their identification of an existing deficit of GP services in the area and their predicted population increase of approximately 161 new residents as a result of the development. This figure is based on the average census household size of 2.3 people per dwelling, the requirement for 120sqm of surgery floorspace for every 1,750 patients and the average cost of new build extensions to health centres.

7.138 The Council's Supplementary Planning Document 2: Planning Obligations, confirms that funding for potential primary healthcare care is addressed through the Council's Community Infrastructure Levy (CIL), so such funding for the NHS will be secured via CIL rather than planning obligations. The NHS has not made a case for exceptional circumstances which would justify an additional contribution to the NHS via the S106 process.

7.139 The contributions noted in paragraph 7.136 above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks this committee's approval subject to entering into and then the completion of this agreement.

Community Infrastructure Levy (CIL)

7.140 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of some 5140.2 sqm of market housing and some 1418.4sqm of affordable housing which may equate to a CIL charge of approximately £179,100.23 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity Issues

7.141 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 Balance and Housing Supply

7.142 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. This proposal would provide 70 new dwellings for which there is an identified need including 52 family sized, 3 and 4 bed units and 7 wheelchair accessible, building regulations M4(3) units. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

Conclusion

7.143 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 principle of the development, including use of this land for housing, the housing mix and flood risk are all acceptable. The proposed design and scale of the development would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area including the character, appearance and setting of nearby heritage assets. Subject to conditions the proposal would have an acceptable impact on the amenities of neighbours. The proposal would provide an acceptable standard of accommodation for new occupiers. There would be no significant harmful traffic, parking or highways impacts caused by the proposed development. The impact on the existing trees including the nature and extent of tree removal, is found to be satisfactorily offset by the need to remediate contamination, by the quality of the landscaping scheme which includes significant tree and hedgerow planting so contributing positively to improved biodiversity including balancing heritage, townscape, design and functional considerations. The proposal would also have an acceptable impact on sustainability and ecology.

7.144 The proposal has been found by officers to be acceptable in all relevant regards and is recommended for approval on its individual merits subject to the completion of a S106 legal agreement and conditions. Should Members identify any areas of harm then this needs to be balanced against the public benefits of the proposal including as identified within the body of the report. A key consideration is the impact on the site's existing trees. This has been found by officers to be outweighed by the several positive impacts summarised within this report. In the event Members were to attach differing

weight to this balanced judgement and were to identify a net harmful impact associated with trees they are obliged to consider the public benefits overall. This proposal creates new housing, therefore, when assessing any harm identified, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole.

8 Recommendation

- (a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

	Proposed Head of Term	Details
1	On Site Affordable Housing	Affordable Rent 4 x 1 bed apartments 8 x 2 bed apartments 4 x 3 bed houses Shared Ownership 2 x 2 bed houses 3 x 3 bed houses As shown on drawing D-101 rev D
2	Education	Secondary education contribution of £220,597.43
3	Highways	£4000 - Traffic Regulation Order - for traffic control within site. £8000 - contribution towards the upgrading of Ness Road / Campfield Road junction (other sites in the area are also contributing via their S106s) £18,000 - Contribution to the maintenance of block paving on the adopted road within the site over the next 20 years Total = £30,000
4	RAMS Ecology mitigation	£156.76 per unit (70) = £10,973.20
5	Travel Information Packs	Details to be agreed with LPA prior to commencement and provided for each unit on occupation
8	S106 Monitoring Fee	£10,000

- (b) That the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

- 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 D-001 (Existing Location Plan), D-330 (Site Section AA & BB), D-331 (Site Sections CC & DD), D-100 Rev M (Proposed Site Layout), D-332 (Site Sections EE, FF & GG), D-201 Rev C (House Type NA-21), D-202 Rev C (House Type NA-21), D-203 Rev C (House Type NA-21), D-204 Rev C (House Type NA-32), D-205 Rev C (house Type NA-32), D-206 Rev C (House Type NT-31), D-207 Rev C (House Type NT-31(X)), D-208 Rev C (House Type NA-42), D-209 Rev D (House Type NA-42), D-210 Rev C (House Type NT-41), D-211 Rev C (House Type NB-41), D-212 Rev C (House Type NA-44), D-213 Rev C (House Type D1624), D-214 Rev B (House Type NA-42 & NA20), D215 Rev A (House Type NT-31), D-220 Rev J (Apartment Block A Ground and First Floor Plans), D-221 Rev H (Apartment Block A 2nd Floor and Roof Plan), D-222 Rev H (Apartment Block A Elevations), D-310 Rev C (Streetscenes 1-3), D-311 Rev B (Streetscenes 4-5), D400 Rev B (Proposed Single Garages), D401 Rev B (Proposed Double Garages)

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

Materials and Design Details

- 03** Notwithstanding the details shown on the plans and the materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all of the external elevations of the development, including walls and associated brick decoration; roof including slate, ridge tiles, eaves, roof verges, fascia, soffits, lift overrun and coping; windows and doors including projecting feature window surrounds, bay structure and roof, all parts of the dormer windows, stores and garage doors; porches including roof, fascia underside and supports, balconies including balustrade, supports, flooring, underside and fascia and rainwater goods, boundary walls, fences and gates including to the pumping station enclosure have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the key design features including projecting brick detailing, projecting

window surrounds and reveals, bay window, dormer window, roof gabled roof side verge and parapet to block A at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

Landscaping

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:

- i. Full product details of hard surfacing materials for all forecourts, block paved areas, speed tables, patios, paths, pavements and roads.
- ii. Full details of the number, size, species and location of the trees and including tree planting specifications, shrubs and other plants to be retained and planted together with a planting specification.
- iii. Full details of any other landscaping structures such as seating, bins and play equipment including fences for the LAP play area.
- iv. Full details of measures to enhance the biodiversity of the site including product details for beehives, wildlife houses and bat and bird boxes and hedgehog doors in the fences between properties along the eastern boundary to facilitate a green link in this location.

The hard and soft landscaping within the public realm and public open spaces, including the publicly accessible areas to the north and south of the site, the playground (LAP) and other play and wildlife structures shall be implemented and provided in full prior to the first occupation of any part of the development hereby approved, shall be retained in accordance with the approved plans and shall be maintained in good working order thereafter for the lifetime of the development for the occupants of the development and the wider community.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

06 The plot and site boundaries at the site shall be carried out in full accordance with plan reference D-107 Rev J and Landscape Strategy Plan reference 21.5216.01 Rev O prior to the first occupation of the dwellings hereby approved, or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

- 07** No external lighting shall be installed on the development or within the parking, access or landscaped areas of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light." All illumination within the site shall be retained in accordance with the approved details.

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policies DM1 and DM5, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Biodiversity and Ecology

- 08** No construction works above lower ground floor slab level shall take place unless and until a Landscape and Ecological Management Plan (LEMP) has been produced for all habitats and hedgerow features proposed within the site and has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The LEMP shall set out the appropriate establishment works and management responsibilities and maintenance schedules required to achieve the intended type and condition of each habitat /hedgerow feature proposed. The LEMP shall cover a minimum period of 30 years and include provisions for monitoring, review, reporting and contingency throughout as recommended by the Biodiversity Metric Assessment by Middlemarch Environmental Ltd reference 156454-03-Rev B dated 12.06.23.

Reason: A condition is justified to ensure that the biodiversity value of the proposed habitats is realised in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

- 09** The site clearance and construction works for the development hereby approved shall be carried out in full accordance with the recommendations set out in Section 7 of the Preliminary Ecological Appraisal by Middlemarch Environmental Ltd Reference RT-MME-156454-01-Rev A dated July 2022 including in regard to nesting birds, badgers and measures to enhance wildlife at the site, or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: A condition is justified to ensure any protected species and wildlife utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2.

10 None of the development hereby approved shall commence unless and until bat emergence/re-entry surveys of the existing property, have been undertaken as recommended in Section 6 of the Dusk Emergence and Dawn Re-Entry Bat Surveys report by Middlemarch Environmental Ltd. Reference RT-MME-157687 dated July 2022. This survey must be carried out between April and September (inclusive). The results of the survey and details of any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If bats are found to be present, no demolition work shall take place until and unless an acceptable mitigation scheme has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall commence and proceed only in accordance with the approved mitigation scheme.

Reason: A pre commencement condition is justified to ensure any bats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, and Development Management Document (2015) Policy DM2.

Tree Works and Tree Protection Measures

11 The tree works associated with the development hereby approved including pruning and felling works and works to be carried out within root protection areas including changes to land levels and retaining walls, shall be carried out in full accordance with the details set out in the Arboricultural Method Statement by Middlemarch reference RT-MME-159919-01 Rev D dated 15th June 2023. The tree protective barriers and ground protection, as shown on plan reference C159919-01-01-Rev C shall be implemented in full prior to commencement of the development and shall be retained as such throughout the demolition and construction phases of the development. Implementation of the development shall be undertaken only in full accordance with British Standard BS3998 and British Standard BS5837 including supervision of works by a qualified arboriculturist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected throughout demolition and building works in the interests of visual amenity and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Levels and Retaining Wall Details

12 Aside from demolition, none of the development hereby approved shall be undertaken including earthworks, unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i) a drawing showing the existing and proposed site levels (on the same drawing) across and surrounding the site;**
- ii) full design details of the proposed retaining wall structure to the eastern boundary of the site. The retaining wall design shall include sufficiently legible large scale plans and sections clearly showing the location of the wall in relation to the trees to demonstrate no further encroachments into the root protection areas of trees T15 and T19 than shown on the approved site plan reference D-100 Rev M; and**

- iii) the exact positioning and construction details of the proposed boundary fences in relation to trees T15 and T19.

These details shall be compliant with the tree and root protection measures as set out in the Arboricultural Method Statement by Middlemarch reference RT-MME-159919-01 Rev D dated 15th June 2023. The development shall be undertaken and completed in full accordance with the agreed details under the terms of this condition prior to the occupation of the development hereby approved.

Reason: In the interests of the residential amenity of adjoining residents, the character and appearance of the area, to ensure that preserved trees on the eastern boundary are adequately protected and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Neighbour Impacts

- 13 The first floor window in the east elevation of Plot No 28 and the southernmost first and second floor kitchen/dining/living room windows of plots 30 and 36, as shown on plan references D-220 Rev J, D221-Rev H and D-222 Rev H, shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) and fixed shut up to a height of not less than 1.7m above the relevant rooms internal finished floor level before the occupation of the extension hereby approved and the windows shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area including nearby heritage assets' setting and appearance and impact on preserved trees in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Shoebury Garrison Conservation Area Appraisal (2021).

Highways

- 15** The 141 car parking spaces, including 7 disabled spaces, and the associated highways works as shown on approved plans D-100 Rev M and D-220 Rev J, shall be provided/carried out and made available for use prior to the first use or the first occupation of any of the development hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. At least 1 parking space for each dwelling, including the 7 disabled spaces, shall have access to an active electric vehicle charging point as shown on plan reference D-110 Rev E. Notwithstanding the details submitted on the Car Parking Management Plan by Ardent reference 2101833-05 dated 10.08.22, the development hereby approved shall not be occupied until further details have been submitted and approved in writing in relation to car parking management at the site. These details shall include:
- i)** Full details of how the off plot parking will be managed at the site including visitor parking and parking within the parking courts.
 - ii)** Full details of any proposed signage in relation to parking management including signage specifications and locations.
 - iii)** Full details of the proposed electric vehicle charging points where they are proposed to be located within the parking courts as shown on plan reference D-110 Rev E.

The development shall then be carried out in full accordance with the approved details.

Reason: To ensure that satisfactory off-street car parking and access arrangements are provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15, the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 16** The apartment block hereby approved shall not be occupied unless and until space for at least 12 secure, covered cycle parking spaces to serve the development and its visitors have been provided as shown on approved drawing D-220 Rev J, or in such other on site location alternatively agreed by the Local Planning Authority under the scope of this planning condition, and have been made available for use in full accordance with the approved plans by the occupiers of the development hereby approved and their visitors. Additionally, prior to their occupation, all the houses without garages hereby approved shall be provided with a cycle store within the rear gardens of the plots as set out on plan reference D-109 Rev A in accordance with details that have been previously submitted and approved in writing by the Local Planning Authority. The approved cycle parking scheme shall thereafter be permanently retained for the lifetime of the development.

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

- 17 The apartment block hereby approved shall not be occupied unless and until the refuse and recycling store to serve the block as shown on drawing D-220 Rev J has been provided in full accordance with the approved plans and made available for use by all occupiers of the apartment block hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development.

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

Sustainability

- 18 Prior to the first occupation of the development hereby approved a scheme detailing how at least 10% of its total energy needs will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The agreed details must be implemented in full prior to the first occupation of the development hereby approved. This provision shall be made for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 19 Prior to the first occupation of the development hereby approved, appropriate water efficient design measures as 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), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained as such for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 20 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 7 of the units hereby approved comply with the building regulations M4 (3) 'wheelchair user dwellings' standard and the remaining 63 units comply with the building regulations M4(2) 'accessible and adaptable dwellings standard.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

Noise

21 Prior to the first occupation of the development hereby approved a scheme for alternative means of ventilation and air cooling and heating in relation to the Mechanical Ventilation and Heat Recovery (MVHR) system proposed for the residential plots closest to Campfield Road, as identified on plan references D220-F (MVHR required locations) and D-100 F (MVHR required locations), must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures.
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants.
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions.

The means of ventilation must be in accordance with documents:

- CIBSE Guide A 2015 - Environmental Design,
- CIBSE TM52 2013 - The limits of thermal comfort: avoiding overheating in European buildings, and
- CIBSE TM59 2017 - Design methodology for the assessment of overheating risk in homes.

The approved alternative means of ventilation and cooling shall be installed and made operable in full accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure the resulting noise from the traffic on Campfield Road to the north of the site would not be detrimental to living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

Flood Risk and Drainage

22 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in Paragraphs 6.5 and 7.10 of the Flood Risk Assessment carried out by Ardent Consulting Engineers reference 2102833-01 dated 19.12.22 and associated Flood Levels FFL's Sketch reference 2102833 dated 02/03 including the requirement for all sleeping accommodation to be set above 6.40mAOD (1 in 200 annual probability flood level including climate change) and safe refuge to be provided at a minimum of 6.49mAOD (1 in 1000 annual probability flood level including climate change) before the dwellings hereby approved are first occupied.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment and in accordance with the National Planning Policy Framework (2021) and Policy KP2 of the Core Strategy (2007).

23 Prior to the construction of the development hereby approved above ground floor level full details of the proposed flood resistance and resilience measures shall

be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. These shall include measures to flood proof the buildings at ground floor level and structural calculations to confirm that the buildings will be constructed to withstand the water pressures in a 0.1% (1 in 1000) annual probability flood level including climate change. The measures shall then be implemented in full accordance with the approved details before the development is first occupied or brought into first use.

Reason: To demonstrate that the buildings are structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water in accordance with the National Planning Policy Framework (2021) and Policies KP1, KP2 and KP3 of Core Strategy (2007).

24 Notwithstanding the details submitted within the Detailed Drainage Strategy reference 02-E dated 6.9.21, the Assessment by Ardent reference 2101833-01 dated December 2022, the Method Statement for Control of Surface Water Runoff During Construction by Ardent reference 2101833-06 dated March 2023 and the letter response by Stomor reference ST-3113/230320-LLFA Response dated 20.03.2023, no drainage works shall be undertaken at the site unless and until a detailed design of surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the terms of this condition. The approved scheme shall be implemented at the site prior to the first occupation of the development. The scheme shall address the following matters:

- i) The applicant shall obtain acceptance from the relevant statutory body for the proposed connection to the existing outfall. The applicant confirms that the proposed connection is into the private drainage system. Indirect connections into the public sewer may still require an application to Anglian Water under Section 106 of the Water Industry Act 1991. It is recommended that the applicant clarifies and confirms this with Anglian Water prior to construction.
- ii) The applicant shall provide information on how to manage any health and safety risks associated with the drainage proposals.
- iii) The applicant shall provide details of the body that will be responsible for the maintenance of proposed SuDS/drainage throughout the lifetime of the development. The applicant shall also provide a management statement to outline the required maintenance for the site and a maintenance schedule. If applicable, the applicant shall provide economic valuation costs to demonstrate long-term viability of the proposed drainage systems.
- iv) Construction drawings are to be provided for any SuDS and flow controls.
- v) A scheme shall be provided for on-site foul water drainage works, including connection point and discharge rate. The applicant shall provide more information on the foul drainage proposals to specify who will own the system, including the pump station and rising main. This shall indicate who will be responsible for the maintenance of the system throughout the lifetime of the development.
- vi) Whilst the applicant does not consider the risk of surcharge at the outfall, applicable to this scenario, they are reminded that the exceedance and failure assessment will need to be updated during detailed design to consider the potential impact of failure or a restricted outfall.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of

surface and foul water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

Archaeology

- 25 Prior to the commencement of the development hereby approved a Written Scheme of Investigation, including location of trial trenching, shall be submitted to and agreed in writing with the Local Planning Authority under the terms of this condition. The approved Written Scheme of Investigation and measures to be undertaken throughout the course of the works affecting below ground deposits shall be carried out in full by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the Local Planning Authority before the development is first occupied or 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 (2021) and Policy DM5 of the Development Management Document (2015).

Contamination

- 26 A. The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in report reference GB696-RS-FEB-2023 'Remediation Strategy' by GB Card Partners dated 3.2.23 (the approved remediation scheme) have been implemented. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

B. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The remediation measures must be maintained thereafter.

C. Remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

D. 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 immediately to the Local Planning Authority under the terms of this condition. Development must be halted in this part of the site until an assessment has been undertaken in accordance with the requirements of part A of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the

requirements of part B of this condition. 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 under the terms of this condition before the development is first occupied.

E. Following completion of measures identified in the approved remediation scheme, prior to the first occupation of the development hereby approved, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

F. Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

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

Construction Management

27 No development shall take place, including any works of demolition, until and unless a Construction/Demolition Method Statement and Management Plan has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved Statement and Management Plan shall be adhered to throughout the demolition and construction periods. The Statement shall provide 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 including earth from the bund proposed for levelling of the site.
- iv) The erection and maintenance of security hoarding.
- v) A Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- vii) Measures to mitigate noise disturbance during the development;
- viii) Details outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction

of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

- 28 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank or Public Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- c) In the event that the planning obligation referred to in part (a) above has not been completed before 7th July 2023 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for on-site affordable housing, highways works, secondary education, biodiversity mitigation or Travel Information Packs and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2, KP3, CP3, and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

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.

Informatives:

- 01 CIL - Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters

can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

- 02 Existing Highways - You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that 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.
- 03 S106 - This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of onsite affordable housing, a financial contribution in relation to education, highways and RAMS, the provision of Travel Information Packs and monitoring of the agreement.
- 04 Gas Apparatus - Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- 05 Asbestos - Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's Building Control Department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.
- 07 Airport - The applicant is advised that if construction of the development requires a crane or piling rig, this will need to be safeguarded separately and, dependant on location, may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.
- 08 Highways Works - A section 38/278 will be required in relation to the adoption of the spine road and any other highways works. Please contact martinwarren@southend.gov.uk for details.
- 09 Renewables - In relation to condition 18 the applicant is advised that PV panels are not considered appropriate for the front facing roof slope to plots 10, 15-19 and 56-59 because of the harm that this would cause to the setting of nearby heritage assets. Alternative more discreet renewable technologies should be sought to meet the renewable energy condition for these units.

- 10 Anglian Water Informative - 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. The applicant must provide Anglian Water with 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.**
- 11 Protection of Existing Anglian Water Assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.**
- 12 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.**
- 13 Sewer Adoption - 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.**
- 14 The applicant is advised that a UXO Preliminary Risk Assessment of the potential for unexploded ordnance at the site should be undertaken by a competent person and any recommendations for further action reported to Southend-On-Sea City Council.**