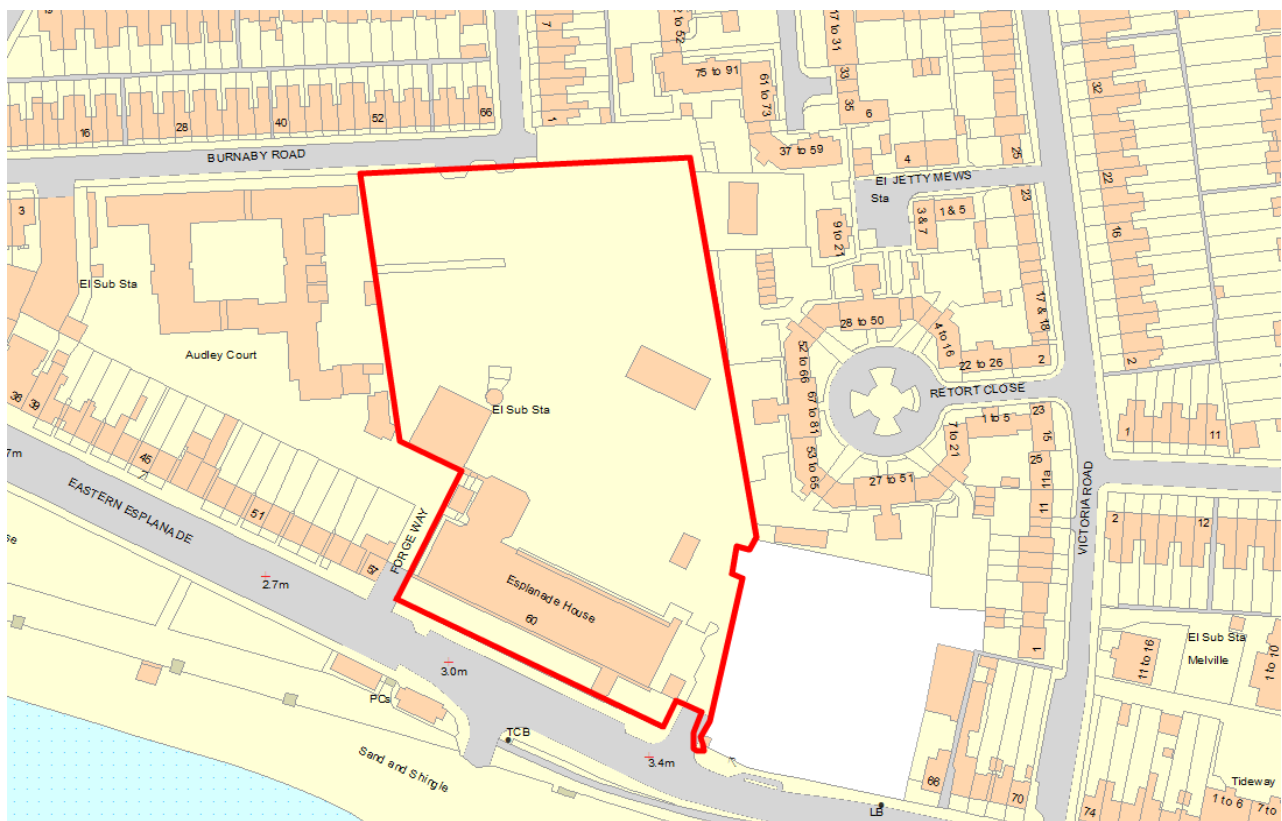


Reference:	18/00634/BC3M	
Ward:	Kursaal	
Proposal:	Use vacant site as temporary car park (for a period of five years) and widen existing entrance onto Eastern Esplanade, changes to hard and soft landscaping, boundary treatments and associated works	
Address:	Land at Former Esplanade House, Eastern Esplanade, Southend-on-Sea	
Applicant:	Southend Borough Council	
Agent:	Southend Borough Council	
Consultation Expiry:	03.05.2018	
Expiry Date:	04.07.2018	
Case Officer:	Charlotte White	
Plan Nos:	C10913/17/P/008, C10913/SUR01-1/B, SWEEP PATH PLAN, LOCATION PLAN.	
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions	



1 The Proposal

- 1.1 Temporary planning permission is sought to use the site as a car park for a period of 5 years. The site has been used as a temporary car park previously under permitted development and initially the car park will be retained as existing to accommodate coaches and on busier days other vehicles (phase 1). However, in the longer term further works will be undertaken to enable the car park to provide greater numbers of parking spaces (phase 2 of the temporary car park scheme). The car park will be available to members of the public and there will be dedicated pedestrian routes provided which will include raised areas delineated in an alternative colour to the vehicle routes. The car park gates will be closed at 10pm (except on days of main organised events).
- 1.2 Phase 1 works to enable the continued use of the car park as existing include minor remedial works to provide a more consistent surface; with no excavations and no breaking of the ground. This phase enables the parking of 120 cars or 70 cars and 29 coaches. The spaces will be managed flexibly to allow cars to use the coach parking area at times when the area is not fully utilised. In the short term, in exceptionally busy times the car park will be attended and vehicles will be directed to the spaces. To begin with payment will be 'Pay By Phone' only and the existing drainage network will be utilised.
- 1.3 Phase 2 works include the resurfacing of the entire site, changes to site levels and the provision of new drainage (to be subsequently agreed) to provide a maximum of 318 car parking bays; 35 of which will be accessible parking bays and 27 coach parking spaces. The information submitted with the application indicates that the number of accessible bays is to be monitored and adjusted in accordance with subsequent demand. Phase 2 works also include the provision a variable message sign which would be located adjacent to the coach parking area with the message able to be amended remotely when required to control when the coach parking area can be used by other vehicles. Under phase 2 payment options will increase with a 'Pay and Display Machine' and electrical charging stations will be provided.
- 1.4 The boundary treatments proposed include the installation of timber feather edge fencing to match the existing fencing on the eastern, southern and western boundaries (although full details of the boundaries have not been submitted to date). Soft landscaping will be provided in the form of planter boxes/containers due to the site's contamination issues and the temporary nature of the proposed facility.
- 1.5 Under phase 2 the car park will be accessed from Eastern Esplanade with the existing access widened to aid coach access and egress. Phase 2 also includes the implementation of new pedestrian crossing facilities for Eastern Esplanade. Under Phase 1 the access will remain as existing. The existing light columns will be utilised.
- 1.6 The application has been submitted with a planning statement and addendum to the planning statement, Management Strategy, Geo-Environmental Investigation, flood risk assessment and drainage strategy, air quality assessment, noise impact assessment and transport assessment.
- 1.7 The application needs to be determined by the Development Control Committee as it has been submitted by Southend Borough Council and constitutes Council

owned land.

2 Site and Surroundings

- 2.1 The site constitutes a previous gas works site. However, the site has since been cleared and is currently being occasionally used as a temporary car park (under permitted development), accessed from Eastern Esplanade.
- 2.2 The site has a frontage to both the Eastern Esplanade (to the south) and Burnaby Road (to the north). The surrounding area is mixed in character with residential dwellings, hotels and commercial units in the wider surrounding area.
- 2.3 The site is located within Flood Zone 3a. There is a Conservation Area to the west of the site which includes Grade II Listed Buildings and locally listed buildings. Within the Southend Central Area Action Plan (SCAAP) (2018) the site is located within the Central Seafront Policy Area. The SCAAP identifies the area to the front of the site a key public realm improvement area and part of the seafront landmark area.

3 Planning Considerations

- 3.1 The main considerations for this application are the principle of the development, design and impact on adjoining heritage assets, traffic and transportation matters, impact on residential amenity and the environment, flood risk and drainage considerations.

4 Appraisal

Principle of development

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM5, DM6, DM14 and DM15, Southend Central Area Action Plan (SCAAP) (2018) Policies DS4, DS5 and CS1 and Design and Townscape Guide (2009).

- 4.1 The core planning principles of the NPPF state the need to: *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. Policy KP2 of the Core Strategy requires *‘all new development...make the best use of previously developed land, ensuring that sites and buildings are put to best use.’* Policy CP4 of the Core Strategy similarly seeks to maximise *‘the use of previously developed land’*.
- 4.2 Policy KP1 of the Core Strategy states *‘appropriate regeneration and growth will be focused in the...seafront to enhance the Seafront’s role as a successful leisure and tourist attraction and place to live, and make the best use of the River Thames, subject to the safeguarding of the biodiversity importance of the foreshore.’*
- 4.3 Policy CP3 of the Core Strategy states that *‘improvement to transport infrastructure and services will be sought...by widening travel choice, particularly by car share, rail, bus, including social transport, taxi, cycling and walking...’*

- 4.4 Policy DS5 of the SCAAP states *'In order to support the vitality and viability of the SCAAP area the Council will maintain parking capacity within Southend Central Area at a level that supports vitality and viability and does not undermine the Central Area's ability to accommodate visitor trips, whilst enabling the delivery of relevant opportunity sites.'*
- 4.5 Policy DS4 of the SCAAP states development proposals which are within a flood zone *'will be accompanied by a flood risk assessment...will locate more vulnerable uses in the areas of the proposal least at risk...will achieve an appropriate degree of safety over the lifetime of the development...'* Policy DM6 of the Development Management Document similarly requires developments in this location to take account of flood risk.
- 4.6 The site has previously been granted planning permission to be redeveloped to provide a mixed development including residential units, hotel accommodation and commercial uses. However this permission has now lapsed. This proposal seeks to use the site for parking purposes for a temporary period (5 years) and the car park use would provide parking for members of the public and for coaches which would benefit tourism and other uses in the surrounding area and the wider community. No objection is therefore raised to the principle of the temporary use proposed in this respect.
- 4.7 The site is located within Flood Zone 3a (high probability of flooding). The application has been submitted with a Flood Risk Assessment and Drainage Strategy which comments that the proposed use constitutes a 'less vulnerable use' which is an appropriate use within flood zone 3a. The Flood Risk Assessment also identifies that the site benefits from flood defences. The Flood Risk Assessment concludes that the development does not increase flood risk either on site or elsewhere and that the proposal will remain safe for the lifetime of the development. Given the findings of this report and given the nature and temporary use of the proposed development no objection is raised to the principle of the development on this basis, Flood risk considerations are considered in greater detail below.
- 4.8 This proposal is considered in more detail in the context of the policies relating to design and impact on the adjoining Heritage Assets below. However, no objection is raised on this basis in principle.
- 4.9 There is therefore no objection to the principle of using the site as a surface car park for a temporary period of 5 years, subject to the scheme satisfying each of the considerations detailed below.

Design and Impact on the Character of the Area and the Adjoining Heritage Assets

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM5, DM6, Southend Central Area Action Plan (SCAAP) (2018) Policies DS3, DS5 and CS1 and the Design and Townscape Guide (2009)

- 4.10 Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and Section 66(1) of the same Act states for development which affects a Listed Building or its setting that special regard shall be had to the desirability of preserving the building or its setting or any feature of special architectural interest that it possesses.
- 4.11 It should be noted that good design is a fundamental requirement of new development to achieve high quality environments. Its importance is reflected in the National Planning Policy Framework, in Policies KP2 and CP4 of the Core Strategy and in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.12 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.13 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”*.
- 4.14 Policy DM5 of the Development Management Document states *‘Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.*
- 4.15 Policy DS5 of the SCAAP states *‘In order to support the vitality and viability of the SCAAP area the Council will ensure new and existing car parks add to the overall aesthetic quality of an area through such measures as landscaping, green walls, public art, pedestrian walkways and pedestrian permeability, as well incorporating layouts to reduce visual impact and effect on key views within and to Southend Central Area.’*
- 4.16 The proposed car park is of a relatively utilitarian design, however, the existing site is already being used periodically as a temporary car park. This permission seeks to improve the overall appearance of the site and wider public realm by formalising the car park and including design improvements, such as new boundaries, pedestrian guard rails and landscape planters, in accordance with Policy DS5 of the SCAAP. It is also noted that the parking use hereby proposed is only proposed for a temporary period of 5 years. Whilst limited details have been submitted with regard to the boundary treatments and other detailing proposed, it is considered that this could be controlled appropriately via condition. Subject to such conditions the design is considered acceptable and is policy compliant in this regard.

- 4.17 The site is located adjacent to a Conservation Area; the Eastern Esplanade Conservation Area which constitutes numbers 40-57 Eastern Esplanade; a row of mid-19th Century terraced cottages. No's 40-45 constitute Grade II Listed Buildings and numbers 46-57 constitute locally listed buildings. However, given that the site is already being used as a temporary car park and the improvements that can be secured in terms of boundary treatments and landscaping (with the imposition of conditions) it is considered that the proposed development would preserve the character and appearance of the adjoining heritage assets, in accordance with National and Local Planning Policies.
- 4.18 As such, it is considered that the development would be of an acceptable overall design that would not result in any material harm to the visual amenity of the area. The development would preserve the character and appearance of the adjoining Conservation Area and would not result in any material harm to the setting of the nearby Listed Buildings. The proposal is therefore acceptable and Policy compliant in this respect in both phases 1 and 2.

Impact on Residential Amenity and Environmental Protection

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM14 and Design and Townscape Guide (2009).

- 4.19 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.20 Policy DM14 of the Development Management Document states that *'Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where an appropriate contaminated land assessment has been carried out...where contamination is found which would pose an unacceptable risk to people's health, the natural environment or water quality, the Council will impose a condition, if appropriate, to ensure the applicant undertake remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed. Remediation works will be carried out before the commencement of any new development'*.
- 4.21 Given the nature of the proposed development, the proposal would not result in any material harm to the living conditions of the adjoining residents in terms of overlooking, an overbearing impact, loss of light and outlook or a material sense of enclosure.
- 4.22 However, given the nature of the proposal, the development has the potential to result in noise and disturbance to the adjoining residents. In this respect, the application has been submitted with a noise impact assessment which concludes *'calculations indicate that the ambient sound level including the operation of the car park is likely to remain unchanged during the daytime hours suggesting no*

observed effect at the nearest noise sensitive receptors. As such, the site is therefore considered to be suitable for the proposed use with regard to noise and no additional mitigate measures are recommended’.

- 4.23 In this respect, it is noted that Burnaby Road to the rear of the site has a more residential nature and is quieter than Eastern Esplanade to the front of the site. However, it is proposed that vehicles will access and egress the site from Eastern Esplanade with the rear access only being retained for emergency service access and egress, if needed. This is a positive element of the proposal which will significantly reduce its impact. Eastern Esplanade is already a busy road and as such it is not considered that the proposed use would result in any material harm to the adjoining residents fronting Eastern Esplanade in terms of noise and disturbance over and above the existing situation. The site also adjoins dwellings to the east and west, however, the information submitted with the application indicates that timber feather edge boarding will be provided to the eastern and western boundaries under phase 2 of the scheme (where a greater number of vehicles would use the site) which would provide some further sound attenuation, details of which can be secured via planning condition. In this regard it is also noted that there are some existing parking courts serving the flats to the immediate east and west of the site which directly adjoin the application site. Finally, it is also noted that the information submitted with this application indicates that the gates to the car park will be closed at 10pm (except during main organised events). The Environmental Health Team (EHT) has raised no objection on this basis. The proposal is considered to be acceptable and policy compliant in regards to potential noise and disturbance impacts.
- 4.24 In terms of lighting, the application seeks to utilise the existing lighting columns and as such it is considered that the proposal would not result in any material harm to the adjoining occupiers in terms of light pollution over and above the existing situation. The EHT has recommended a condition in this respect requiring the external lighting to be directed, sited and screened away from the adjacent properties. Subject to such a condition no objection is raised on this basis.
- 4.25 This application has been submitted with an air quality assessment which concludes *‘It is considered that neither the construction/preparation phase nor the subsequent use of the site as a car park would have any significant long-term detrimental effect on air quality.’* In this respect, it is noted that the EHT has raised no objection on this basis. No objection is raised to the scheme in this respect.
- 4.26 As such it is considered that the development would not result in any material adverse harm to the residential amenity of the adjoining residents. The proposal is therefore Policy compliant in this respect in both phases 1 and 2.
- 4.27 In terms of land contamination, the application has been submitted with a Geo-Environmental Investigation. This report comments that the site was formerly part of a gas works with associated tar pits, gas holder bases and infrastructure but notes that during the site walk-over there were no obvious signs of potentially polluting or contaminative activities. The report concludes that elevated levels of high molecular weight organic contamination were noted in the groundwater and slightly elevated levels of mobile organics were observed, however, none of the remedial targets were exceeded by the maximum measured concentrations recorded in the groundwater retrieved from beneath the site and as such remedial

action to afford protection to the Estuary receptor would not be required. Whilst localised contaminated soils were noted, the concentrations encountered did not exceed the relevant guidelines based on the proposed use of the site. Furthermore the site is to be covered with hardstanding under phase 2 thus severing any source receptor pathways. Therefore any risks to human health through contaminant uptake are considered to be low. The report recommends that clean top soil and sub soil are imported into any proposed soft landscaped areas. The report recommends a geotextile marker layer below any imported materials in this respect. The risk from the very small quantities of asbestos encountered are considered to be low, especially as the proposal seeks to cap the entirety of the site with hardstanding. Any services should be protected if included in the redevelopment of the site. No gas protection measures are necessary as no new buildings are proposed on the site. The report submitted therefore concludes that a watching brief be implemented on this site and should any further contamination be discovered all works should cease and a suitably qualified person should attend the site to agree a formal remediation strategy. The report's final conclusions are that based on the proposed redevelopment of the site as a car park, provided that the recommended remedial works are implemented that the site would not be considered to be 'contaminated land'.

- 4.28 In this respect, the EHT has raised no objection to the principle of the development but recommends conditions requiring details of the geotextile membrane. A condition can be attached to any grant of consent in this respect. The EHT also recommends a condition restricting the construction times which is considered reasonable. However, given the nature of the development proposed and the coverage of these matters under other legislation it is not considered necessary to impose conditions requiring dust emission details or restricting the burning of waste materials on the site.
- 4.29 The Environment Agency has responded confirming that if the proposed use of the car park does not require breaking ground, planning permission can be granted as submitted subject to a number of conditions. As such given the nature of the proposal and subject to the conditions recommended by the Environment Agency and the EHT, the development is considered policy compliant in both phases in this regard and no objection is therefore raised on this basis.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15, the Design and Townscape Guide (2009) And SCAAP (2018) Policy DS5.

- 4.30 Policy DM15 of the Development Management Document states that *'Development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner...access to the proposed development and any traffic generated must not unreasonably harm the surroundings...'*

- 4.31 This planning application has been submitted with a Transport Assessment which concludes that for the 2019 opening year (including the entire development of the car park under phase 2 of the development) that the development trips can be accommodated within capacity of the B1016: Eastern Esplanade. This is based on 100% occupancy of the parking spaces and utilises data collected on a bank holiday (a worst case scenario). The report therefore concludes that the car park proposal is acceptable under phase 2 in terms of highway capacity and that the impact of the car park traffic will not be severe.
- 4.32 The amendments to the access (as part of phase 2) are acceptable and will provide good visibility when leaving the car park in both directions. The existing access which is to be retained for phase 1 is also acceptable and the development would not result in any material harm to Highway safety in this respect, as confirmed by the Highway Team.
- 4.33 The layout and design of the car park is acceptable under both phases of the development. In this respect the Highway Team has commented that having regard to the Transport Assessment submitted which demonstrates that the development will not have any detrimental impact upon Eastern Esplanade, parking or highway safety and that the layout and access are acceptable there are no highway objections raised. The development being for a period of 5 years is therefore acceptable and Policy compliant in this regard and no objection is therefore raised on this basis under phases 1 or 2.

Flood Risk and Drainage

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2 and KP3 and SCAAP (2018) Policy DS4

- 4.34 Policy KP1 of Core Strategy states that all development proposals within flood risk zones “*shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk*”. It is also noted that “*development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options.*”
- 4.35 Policy DS4 of the SCAAP requires development proposals located in flood zones to be ‘*accompanied by a flood risk assessment...locate more vulnerable uses in the areas of the proposal at least risk...achieve an appropriate degree of safety over the lifetime of the development...*’
- 4.36 Paragraph 104 of the NPPF also states that “*For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests, but should still meet the requirements for site-specific flood risk assessments.*”
- 4.37 The site is located within Flood Zone 3a; the high probability flood zone, however, the proposed use constitutes a less vulnerable use. In this respect, the Environment Agency’s Flood Risk Vulnerability Classification table identifies less vulnerable development as appropriate within flood zone 3a. The Environment Agency has provided a consultation response in respect of this application

(detailed below) and raise no objections to the proposal on flood risk grounds provided the local planning authority is satisfied that the sequential test is passed and the development would be safe for its lifetime. In this respect, the Environment Agency comments that long-term and residential car parking is unlikely to be acceptable in areas that regularly flood due to the risk of car owners being away from the area and being unable to move their cars when a flood occurs. The Environment Agency also comments that site owner should be signed up to the public flood warning service and that signage should be installed and evacuation procedures should be in place.

- 4.38 In this respect the application has been submitted with a Flood Risk Assessment (FRA) which concludes that the sequential test does not need to be applied for changes of use and notes that whilst the site is located within Flood Zone 3a, the existing flood defences currently protect the area providing a standard of protection between 1 in 99 and 1 in 1000 years and the risk of flooding from other sources is low. The FRA also concludes that the development would not increase flood risk on the site or elsewhere and the site will remain safe for the lifetime of the development.
- 4.39 The FRA submitted also makes a commitment to sign up to the Environment Agency's Floodline Warning Direct Services, that the applicant will monitor the weather following advanced warnings from the Environment Agency of a storm approaching and will manage the operation of the car park such that the public are not put at risk in the event of the flood defences being breached. It is also noted that there is no proposal for nearby residents to use this car park with the car park locked in the evenings.
- 4.40 As such, given the findings and commitments within the FRA submitted and given the Environment Agency comments received, subject to a condition requiring the development to be undertaken in accordance with the approved FRA no objection is raised to the development in terms of Flood Risk.
- 4.41 In terms of surface water management the FRA submitted indicates that the existing surface water system will continue to serve the application site under phase 1. The report concludes that during an extreme rainfall event (in excess of the 1 in 100 year event plus climate change), the surface water drainage network capacity may become overwhelmed resulting in surface flooding and overland flows. The FRA therefore states that the operation and maintenance of the development's drainage infrastructure needs to be agreed with the key stakeholders. New drainage would be provided under phase 2 and details of this will be secured through conditions to ensure it is appropriate.
- 4.42 The Environment Agency has commented that because the proposal does not include infiltration drainage the Environment Agency has no comments or objections in this respect.
- 4.43 Given the nature of the proposal which includes limited alterations to the site and given the temporary nature of the proposal no objection is raised to the scheme on flooding or drainage grounds under either phases with the conditions recommended.

Community Infrastructure Levy

- 4.44 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

5 Conclusion

- 5.1 Having regard to all material considerations it is considered that, subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. This application is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012) Chapters 1 (Building a strong, competitive economy), 7 (Requiring good design), 10 (Meeting the challenge of climate change, flooding and coastal change) and 12 (conserving and enhancing the historic environment).
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).
- 6.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low carbon and efficient use of resources), DM3 (Efficient and Effective Use of Land), Policy DM5 (Southend on Sea's Historic Environment) Policy DM6 (The Seafront), DM14 (Environmental Protection) and Policy DM15 (Sustainable Transport Management)
- 6.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS3 (Landmarks and Landmark Buildings), DS4 (Flood Risk Management and Sustainable Drainage), DS5 (Transport, Access and Public Realm) and CS1 (Central Seafront Policy Area Development Principles)
- 6.5 Design & Townscape Guide (2009)
- 6.6 Community Infrastructure Levy Charging Schedule (2015)

7 Representation Summary

Environment Agency

- 7.1 No objections subject to conditions.

Contaminated Land

The site is located on unproductive, superficial Tidal Flat Deposits which overlie River Terrace Deposits, possibly Blown Sand both of which are designated as Secondary A aquifers. The bedrock geology is the London Clay Formation, an

unproductive deposit. The Thames Estuary is approximately 150m from the site. The site is not within a Source Protection Zone.

The application has submitted a Geo Environmental Investigation by Ground and Environmental Services Ltd dated January 2018. The report has summarised previous investigations which have confirmed that the soil and groundwater in the Secondary A aquifer are contaminated with organic contaminants typically associated gas works. Ammonia analysis, a key gas works contaminant, has not been included in investigations to date. This analysis will need to be undertaken as part of future investigations of soils and groundwater.

A Detailed Quantitative Risk Assessment has been undertaken and the results included in the report. However, the following points need to be addressed and the DQRA recalculated before we can consider the results:

- The report has not used the saline EQS values available. For further guidance on EQS values and undertaking groundwater risk assessments refer to the CLAIRE document <http://www.claire.co.uk/phg>.
- The report has used compliance points of 100m and 300m down gradient of the site. Since hydrocarbons are hazardous substances, their entry to groundwater should be prevented. Therefore, a compliance point of 50m should be used. For non-hazardous pollutants a compliance point of up to 250m may be acceptable. Please refer to <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>
- Human health risk assessment criteria are not appropriate for assessing risk to controlled waters from soils.
- The report notes (Section 11.3) that the hardstanding proposed will reduce infiltration. However, seasonal / tidal groundwater fluctuation will continue to release contamination within the smear zone and this needs to be considered.

Notwithstanding the results of the risk assessment, the gas works infrastructure such as tar pits, pipework and tanks should be removed from the site by a specialist remediation contractor. Otherwise, these structures will continue to act as sources of contamination.

Conditions

If the proposed use as a car park will not require breaking ground, we consider that planning permission can be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. Any future planning application for alternative development will need our conditions to ensure the long term protection of controlled waters.

Condition 1

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from

the local planning authority. The remediation strategy shall be implemented as approved.

Reason for Condition

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

If, as part of this application, it is necessary to break ground, we consider that planning permission can be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition A

Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition B

No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition C

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition D

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason for Conditions A,B,C and D

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to

or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Surface Water Management Comments

The proposals set out in the FRA / Drainage Strategy, BDR dated February 2018 do not include infiltration drainage. As such GW&CL have no further comments.

Flood Risk

The site lies in tidal Flood Zone 3, the high probability flood zone. The proposal is considered to be a less vulnerable. We have no objection to the planning application on flood risk grounds provided that you are satisfied that the sequential test is passed, the development would be safe for its lifetime and you assess the acceptability of the issues within your remit.

A Flood Risk and Drainage Assessment has been submitted Referenced 18-0073 and dated 28/02/2018. When considering car parking within flood risk areas, the ability of people to move their cars within the flood warning time should be considered. Long-term and residential car parking is unlikely to be acceptable in areas which regularly flood to a significant depth, due to the risk of car owners being away from the area and being unable to move their cars when a flood occurs.

Car parking may be appropriate in areas subject to flooding, provided flood warning is available and signs are in place. Car parks should ideally not be subject to flood depths in excess of 300mm depth since vehicles can be moved by water of this depth. According to the SFRA, part of the site could be up to 1m depth of water in a 0.5%(1 in 200) annual probability flood event with climate change.

The site owner should be signed up to our free public flood warning service (Floodline Warning Direct) and there should be appropriate signage and evacuation procedures in place. To ensure the safety of users of the car park it should be closed when Flood Warnings are in force.

An evacuation route has been suggested in section 9 of the Flood Risk and Drainage Assessment via Arnold Avenue/Burnaby Road to the North of the site.

Boundary treatments, such as railings, should ensure that should vehicles become mobilised during a flood event they are contained within the confines of the site, but still allow the free movement of flood water. Compensatory storage is not required within this tidal flood zone.

Traffic and Transportation

7.2 Temporary Layout (phase 1)

Car Park Capacity: 29 coach parking bays have been provided and the layout ensures coaches and cars can manoeuvre effectively and exit onto Eastern Esplanade. 70 car parking spaces have been provided

Boundary treatments will be enhanced using featheredging fencing to match the existing.

A new crossing point will be provided to cater for increased pedestrians crossing Eastern Esplanade.

The existing payment method will be continued which is pay by phone.

Longer Term Layout (phase 2)

Slight alterations will be made to the existing entrance to ensure vehicles can enter and leave sufficiently with good visibility when leaving the car park in both directions. Picady 9 analysis has been undertaken to ensure the car park entrance will operate within acceptable limits when in use in. A proposed enhancement to the existing pedestrian crossing point will be provided to cater for increased pedestrians crossing Eastern Esplanade. The crossing point has been modelled using LinSig 3 and has been demonstrated not to have an adverse impact upon the local highway network.

The car park layout ensures that vehicles can manoeuvre effectively and safely throughout the car park with dedicated pedestrian walkways. When the coach parking is not at full capacity or not being used these spaces will be made available for cars to use thus providing additional spaces. Payment will be made via pay by phone and coin operation. Boundary treatments will be enhanced using featheredging fencing to match the existing to help soften the existing environment.

Car Park Capacity: 283 car park spaces will be provided. 27 coach spaces. 35 disabled spaces. Additional car parking spaces can be made available when coaches are not using the coach park area. The payment method will also include a coin payment option.

Consideration has been given to the applicant detailed transport assessment which has provided information to demonstrate that the proposed car park will not have detrimental impact upon on Eastern Esplanade. Therefore no highway objections are raised.

Environmental Health Officer

7.3 No objection in principle to the development. Having reviewed the Geo-Environmental Investigation Report ref: 11691-1 of January 2018 and the following comments are made:

1. Given that the site was formerly used for gas works, localised contaminants have been found on the site but no remediation has been proposed because the level encountered did not exceed relevant guideline limits based on the proposed end use of the site as a car park.
2. Due to contaminants remaining on the site, it is proposed that a geotextile maker will be used to separate any imported clean soil and in-situ contaminated soil in proposed soft landscape areas, I therefore recommend the following conditions.

Recommended conditions:

1. Prior to the installed of any geotextile membrane on the site, details of the material, including colour and manufacturer's specifications must be submitted to the LPA for approval.
2. Construction and /or demolition restricted to 8am – 6pm Monday to Friday,

8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.

3. Full details of mitigation measures to be taken to minimise and/or prevent potential fugitive dust emissions resulting from the works must be submitted in writing for approval by the local planning authority prior to demolition or construction commencing, taking into consideration control measures detailed in *Best Practice Guidance “The control of dust and emissions from construction and demolition”*.
http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp
4. There shall be no burning of waste materials on the site during construction or demolition.
5. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into adjacent properties.

Parks

- 7.4 The tree species must be appropriate to the location and appropriate for the planters.

8 Public Consultation

- 8.1 Four site notices were displayed, the application was advertised in the press and 150 neighbour letters were sent out.

One letter of representation has been received which makes the following summarised comments:

- Query regarding security.
- Will there be CCTV in operation
[Officer comment: A condition is recommended in this respect]
- Largely residential area with increasing issues of anti-social behaviour which is a concern.

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

9 Relevant Planning History

- 9.1 The site has an extensive planning permission. The most relevant planning history is outlined below:
- 9.2 13/00869/EXTM - Hybrid Application to demolish the existing buildings, erect mixed development comprising 216 flats, 64 bedroom hotel, restaurant and retail floor space in 4, 5, 7 and 12 storey blocks with piazza, semi-underground and surface car parks, cycle parking, associated infrastructure (Full Application) and use the land fronting Burnaby Road for affordable housing (Outline Application) (Application to extend the time limit for implementation of 10/00140/FULM granted on 16/08/2010) – planning permission granted.
- 9.3 10/00140/FULM - Hybrid Application to demolish the existing buildings, erect mixed development comprising 216 flats, 64 bedroom hotel, restaurant and retail floor space in 4, 5, 7 and 12 storey blocks with piazza, semi-underground and surface car parks, cycle parking, associated infrastructure (Full Application) and

use the land fronting Burnaby Road for affordable housing (Outline Application) – planning permission granted.

- 9.4 08/00551/FULM - Erect part 6/part 7 storey building comprising 126 bedroom hotel with restaurant and bar to first floor and lay out 94 car parking spaces, cycle store and refuse store – planning permission granted.

10 Recommendation

Members are recommended to GRANT TEMPORARY PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The permission hereby approved is for a temporary period of 5 years from the date of the permission only. After 5 years from the date of the granting of this permission, the use hereby approved shall permanently cease.**

Reason: For the avoidance of doubt and in accordance with the National Planning Policy Framework and Policies KP1 and KP2 of the Core Strategy (2007).

- 03 The development hereby permitted shall be carried out in accordance with the following approved plans: C10913/17/P/008, C10913/3000/39/001, C10913/SUR01-1/B, SWEPT PATH PLAN.**

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

- 04 No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until full details of the 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. No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until the approved hard and soft landscaping works have been implemented in full in accordance with the approved details. The details submitted shall include:**

- i. proposed finished levels or contours;**
- ii. hard surfacing materials and means of enclosing the site (including elevations of all boundary treatments);**
- iii. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and details of the management of the landscaping site.**

Reason: To safeguard the character and appearance of the surrounding area and the amenities of neighbouring occupiers in accordance with Policies DM1, DM3 and DM5 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 05** No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until full details of the pay and display machines, electric charging equipment and 'variable message sign' to be installed have been submitted to and approved in writing by the local planning authority. No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until the pay and display machines, electric charging equipment and variable message sign have been provided on site in full accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area and to ensure suitable facilities are provided in accordance with Policies DM1, DM3 and DM15 of the Development Management Document (2015) and Policies KP2, CP3 and CP4 of the Core Strategy (2007)

- 06** No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until full details of the drainage infrastructure to be provided at the site have been submitted to and approved in writing by the local planning authority. No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until the approved drainage works have been undertaken in accordance with the approved details.

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

- 07** The development hereby permitted shall not be carried out except in complete accordance with the approved Flood Risk Assessment undertaken by BdR, reference 18-0073 dated 28th February 2018, unless otherwise previously agreed in writing by the local planning authority.

Reason: To ensure the development is safe and to ensure compliance with the National Planning Policy Framework (NPPF) and Core Strategy Policies KP1 and KP2.

- 08** The development hereby permitted shall not be carried out except in complete accordance with the approved Geo-environmental Investigations undertaken by Ground and Environmental Services Limited, reference 11691-1 dated January 2018 unless otherwise previously agreed in writing by the local planning authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14, Design and Townscape Guide (2009)

- 09** Prior to the installation of any geotextile membrane on the site, details of the material to be used, including full manufacturer's specifications shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details only and thereafter permanently retained as such in perpetuity.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14, Design and Townscape Guide (2009)

- 10** Any external lighting installed shall be directed, sited and screened away from the adjoining and nearby residential properties and retained as such in perpetuity.

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

- 11** The development hereby approved shall only be undertaken between 8am and 6pm Monday to Friday and 8am to 1pm Saturdays and at no other time whatsoever.

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

- 12** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented in full as approved before further development is carried out.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14, Design and Townscape Guide (2009)

13 No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site and no development involving the breaking of ground until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved scheme shall be implemented in full as approved.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14, Design and Townscape Guide (2009).

14 No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until a verification report demonstrating completion of works set out in the approved remediation strategy under condition 13 of this consent and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14, Design and Townscape Guide (2009).

- 15 No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and provision of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.**

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM3 and DM8, Design and Townscape Guide (2009).

- 16 No closed circuit television (CCTV) shall be installed until full details of the CCTV have been submitted to and approved in writing by the local planning authority. The CCTV shall be implemented in accordance with the approved details.**

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

- 17 No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until a plan setting out in full the management arrangements for the car park hereby approved, including the hours of operation, has been submitted to and approved in writing by the local planning authority. No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until the approved management plan is implemented in accordance with the approved details.**

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

- 18 No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until full details of the Eastern Esplanade access alterations have been submitted to and approved in writing by the local planning authority. No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site until the approved access alterations have been undertaken in accordance with the approved details.**

Reason: In the interests of highway safety and to ensure that the development complies with the National Planning Policy Framework (NPPF), Core Strategy (2007) Policy CP3, Development Management Document (2015) policy DM15 and The Design and Townscape Guide (2009).

- 19 The rear access gate on Burnaby Road shall only be use in an emergency and at no other times whatsoever.**

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives

- 01 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**

- 03 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**