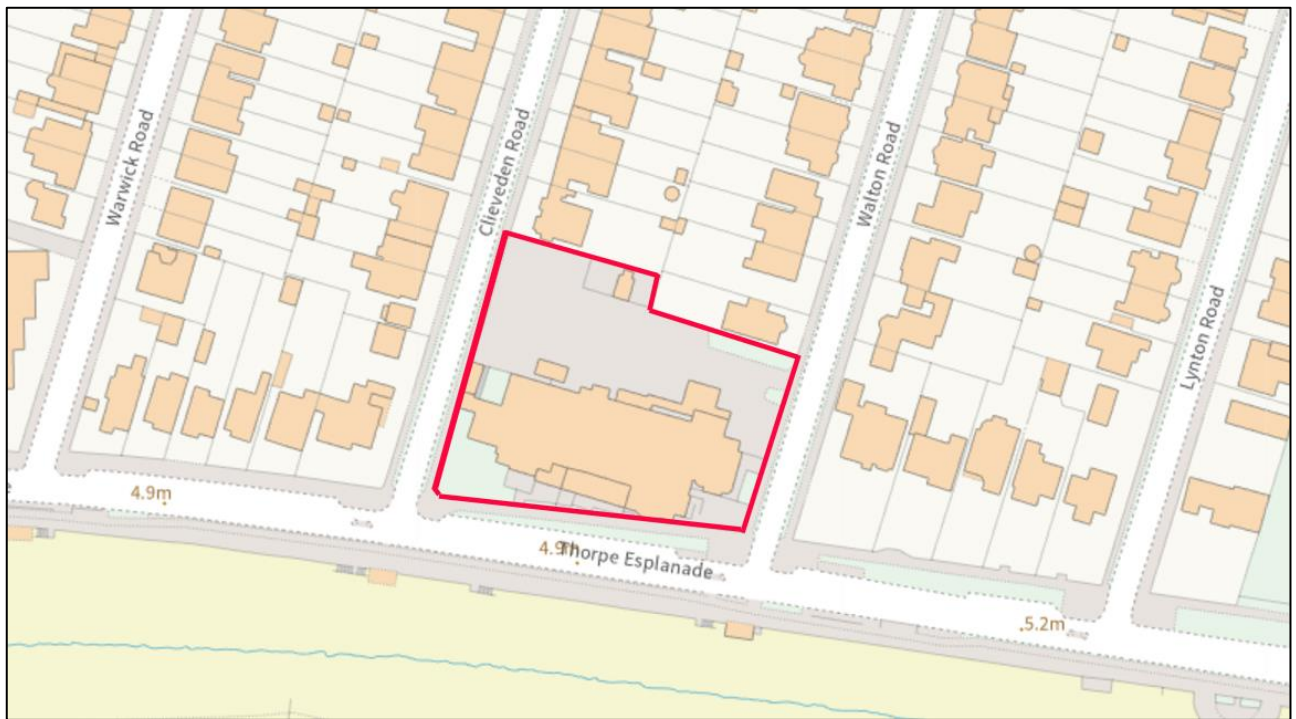


Reference:	24/01398/AMDT	
Application Type:	Minor Amendment	
Ward:	Thorpe	
Proposal:	Application to vary condition 13 (hours of operation) opening times for non-residents amended from 7am to 11pm on any day to 7am to midnight on Sundays to Thursdays and 7am to 1am on Fridays and Saturdays with the opening times extended by one hour on the Friday and Saturday from 7am to 2am and on the Sunday from 7am to 1am prior to certain bank and public holidays with exceptions (Material amendment of planning permission 20/01199/FULM dated 17.03.2022).	
Address:	Roslin Hotel, Thorpe Esplanade, Thorpe Bay, Essex, SS1 3BG	
Applicant:	Regis Entertainment Limited	
Agent:	Mr Jon Murch of Davies Murch	
Consultation Expiry:	28.11.2024	
Expiry Date:	13.12.2024	
Case Officer:	Oliver Hart	
Plan Nos:	WP-0753-A-0000-P-00 Rev A; WP-0753-A-0001-P-00 Rev A; WP-0753-A-0003-P-00 Rev A; WP-0753-A-0004-P-01 Rev A; WP-0753-A-0005-P-02 Rev A; WP-0753-A-0006-P-03 Rev A; WP-0753-A-0020-E-XX Rev A; WP-0753-A-0021-E-XX Rev A; WP-0753-A-0030-S-XX Rev A	
Additional information:	Application Form; Cover Letter from Agent; Supporting Letter from the applicants	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site on the northern side of Thorpe Esplanade is occupied by a cluster of interlinked buildings used as a hotel and associated facilities. The complex also accommodates space for bars, a restaurant and a wedding venue, some spa and gym facilities, most of which can be used by non-residents of the hotel on site.
- 1.2 The existing buildings are mainly two-storey in scale with some having accommodation within the roofspace and with several single-storey extensions to the front and rear. The site currently accommodates car parking spaces to the rear. There are raised outdoor terraces to the front. The terraces are used for outdoor seating space, surrounded by glazed panels. The whole of the frontage is used for external seating seasonally. Low boundary walls and soft landscaping delineate the site to the front and sides, with higher timber boards to the rear boundary.
- 1.3 To the south of the site is the public beach and the Thames Estuary which is subject of several designations for the protection of the natural environment. The rest of the surrounding area is residential in nature. A small part of the application site's frontage lies within Flood Zone 2. The site and the surrounding area are part of the Seafront Character Zone 6 as defined in Policy DM6 of the Development Management Document. No other planning related designations affect the site or the surrounding area.

2 The Proposal

- 2.1 Planning permission was granted on 17th March 2022 under application reference 20/01199/FULM for the "*Partial demolition of the hotel and the erection of three storey extensions to the east, fronting Walton Road and to the west fronting Cleveden Road, reconfiguration of the main hotel elevation fronting Thorpe Esplanade, reconfiguration of the car park to provide 60 parking spaces, increase in floorspace from 3,140sqm to 5,708sqm, increase in hotel rooms from 62 to 67, creation of a part basement, provision of 44 cycle parking spaces, and hard and soft landscaping*"
- 2.2 This application seeks to vary condition 13 of the above permission which limits the function and hours of operation of that approved development as follows:

“The premises of the hotel hereby approved shall not be open to non-residents outside the hours of 07:00 am to 11:00 pm on any day.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).”

2.3 This application seeks to alter the condition wording to extend operational hours for non-hotel guests from 7am to midnight on Sundays to Thursdays and 7am to 1am on Fridays and Saturdays, with the opening times extended by one additional hour on the Friday and Saturday from 7am to 2am and on the Sunday from 7am to 1am prior to bank and public holidays (except Good Friday) and on significant calendar days as listed below:

- Burns Night – 25 January
- Valentines Day – 14 February
- 29 February (leap year)
- St. David’s Day – 1 March
- Maundy Thursday
- St. Patrick’s Day – 17 March
- St. Georges Day – 23 April
- Halloween – 31 October
- St. Andrew’s Day – 30 November
- Christmas Eve – 24 December
- 27 and 28 December
- New Year’s Eve – 31 December

2.4 The applicants have submitted a supporting statement outlining the reasoning for the request. The statement confirms that the hotel is not currently subject to the proposed operating restriction imposed under 20/01199/FULM.

2.5 The statement argues that the condition would be overly onerous and would prevent the development coming forward as the hotel would not be able to operate under such a condition which is a restriction that does not bind other hotels in Southend. Moreover, the condition would unduly impact on the operation and viability of the business which would be unreasonable, and which would conflict with one of the NPPF six tests that govern the imposition of conditions.

2.6 Of some relevance also is the fact that the hotel’s current approved licensing hours exceed those proposed under 20/01199/FULM, such that this application would bring the restrictions on the hours of use, in line with those licensing hours including the extended hours proposed on evenings before the significant calendar days referred to above.

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 [Date]
22/00647/AD	Application for approval of details pursuant to condition 04 (details of cycle storage) of	Permission Granted [05.05.2022]

	planning permission 16/01757/FUL dated 21/12/2016	
21/02281/CLE	Commencement of works, comprising of demolition of existing building which commenced in April 2021 and completed within four weeks, digging of a trench and backfilled with concrete to form foundations for part of the southern elevation of the building in association with planning permission 18/00823/FUL dated 22.10.2018 - (Lawful Development Certificate - Existing)	Permission Refused [10.01.2022]
20/01199/FULM	Partial demolition of the hotel and the erection of three storey extensions to the east, fronting Walton Road and to the west fronting Clieveden Road, reconfiguration of the main hotel elevation fronting Thorpe Esplanade, reconfiguration of the car park to provide 60 parking spaces, increase in floorspace from 3,140sqm to 5,708sqm, increase in hotel rooms from 62 to 67, creation of a part basement, provision of 44 cycle parking spaces, and hard and soft landscaping	Permission Granted [17.03.2022]
19/02106/DEM	Demolish pair of semi-detached Dwellings used for Hotel Accommodation (Application for Prior Approval for Demolition)	Prior Approval Granted [11.12.2019]
18/00823/FUL	Erect hipped to gable roof extension, part single/part two storey rear extension, part single/part two storey side extension and alter elevations to building formerly 8-10 Clieveden Rd	Permission Granted [22.10.2018]
16/01757/FUL	Change of use of residential dwelling (Class C3) into 7 hotel rooms ancillary to existing Roslin Hotel (Class C1)	Permission Granted [21.12.2016]
16/01580/FUL	Erect ground floor extensions to front elevation, extend and alter existing front porch incorporating revolving door and alterations to front entrance steps	Permission Granted [21.12.2016]
15/01815/FUL	Demolish existing conservatory and glazed enclosures to front, erect single storey front extension with roof lantern, terraces areas, erect terraces to first floor front elevation and alter boundary wall to front (Amended Proposal)	Permission Granted [14.01.2016]
15/00822/FUL	Demolish existing conservatories and glazed enclosures to front, erect single storey front extension with roof lantern and part raised roof, form raised terrace to side, erect terraces and brise soleils to first floor front elevation	Permission Granted [16.07.2015]
14/01649/FUL	Erect two storey and first floor rear extensions to form rear entrance and Spa facilities with terrace to front	Permission Granted [09.07.2015]

14/01234/FUL	Erect single storey front extension, extend existing terraced area, form new entrance steps and install revolving doors to front	Permission Granted [16.10.2014]
10/01946/FUL	Change use of residential dwelling (No. 9 Thorpe Esplanade) (Class C3), erect infill extension between 9 and 10 Thorpe Esplanade and alter elevations to form 8 additional hotel rooms, residents lounge, conference room/function room, storage facilities, plant room, alter position of existing vehicular access onto Clieveden Road and provide 14 parking spaces (Amended Proposal) (Retrospective).	Permission Granted [23.07.2013]
11/00570/FUL	Erect timber decking and canopy on the beach opposite the Roslin Hotel to be used for weddings	Refused [24.06.2011]
10/01332/FUL	Erect single storey extension to front, infill extension between 14 and 12 Thorpe Esplanade, erect raised decking and install glazed canopies to front (retrospective)	Permission Granted [10.11.2010]
09/01007/FUL	Change of use of dwelling (Class C3) to restaurant (Class A3), conference facilities (Class D1), form canopies to front and rear and alter elevations	Permission Granted [21.08.2009]
09/00122/FUL	Erect glazed single storey extension, decking, balustrade and terrace to front	Permission Granted [09.04.2009]
08/01155/FUL	Change of use of dwellinghouse (Class C3) to 9-bedroom hotel (Class C1) and provision of additional 9 parking spaces at rear	Permission Granted [16.02.2009]
08/00495/FUL	Erect single storey infill extension and conservatory to front	Permission Granted [26.06.2008]
07/01860/FUL	Change use of part of rear garden of 14 Thorpe Esplanade to form access onto Walton Road and additional parking ancillary to hotel and erect entrance walls to Walton Road	Permission Granted [06.02.2008]
07/01522/FUL	Erect retractable canopy to front elevation, new entrance canopy and stair and replacement balustrading	Permission Granted [07.01.2008]
07/00179/FUL	Form new entrance steps with canopy over to front elevation. Widen crossover and form steps up to terrace. Install raised decking with glass balustrade to front. Erect glass balustrade to existing 2nd floor balcony.	Permission Granted [22.05.2007]
06/00441/FUL	Convert second floor self-contained flat into 3 bedrooms and erect spiral staircase at rear, ancillary to hotel	Permission Granted [30.05.2006]
05/00755/FUL	Erect conservatory to front extension to be used ancillary to restaurant (Amended Proposal)	Permission Granted [08.07.2005]
05/00138/FUL	Erect conservatory to front extension to be used ancillary to restaurant	Refused [08.03.2005]

4 Representation Summary

Public Consultation

4.1 18no. neighbouring properties were consulted by letter; a site notice was displayed and a press notice placed. Letters of objection from 15no. addresses have been received. Summary of objecting comments:

- Neighbour amenity concerns.
- Undue noise and disturbance concerns.
- Anti-social behaviour concerns.
- Incompatible within a residential area.
- Proposal goes against the initial reasoning behind the condition.
- The Roslin relies heavily on the custom of non-hotel guests.
- Parking concerns as hotel car park is limited.
- Concerns this would also relate to deliveries.

[Officer Comment] *All relevant planning considerations have been assessed within the appraisal section of this report. These concerns are noted and where they relate to material planning considerations have been taken into account in the assessment of the application however they were not found to represent justifiable reasons for refusal in the circumstances of this case.*

In the case of noise and disturbance concerns, it is important to note that the hotel is currently operating on the basis of the hours it is applying for. As seen from Environmental Health's response below, there are no records of any noise etc complaints in relation to the current operation of the hotel which as a matter of fact, is in accordance with its licensing hours.

In the case of parking, the application 20/01199/FULM included an increase in parking at the site from 54 to 60 parking spaces.

Lead Local Flood Authority (LLFA)

4.2 No objections

Highways

4.3 No objections.

Environment Agency

4.4 No objections. We have no record of any noise etc complaints in relation to the current operation of the hotel (which is understood to be until 01:00 for non-residents).

5 Procedural matters

5.1 This application is presented to the Development Control Committee because it has been called in by Councillors, Susan Badger, Martin Terry and Ron Woodley.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (NPPF) (2023)

6.2 Planning Practice Guidance (PPG) (2024)

6.3 National Design Guide (NDG) (2021)

6.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)

- 6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)
- 6.6 Southend-on-Sea Design and Townscape Guide (2009)

7 Planning Considerations

- 7.1 The main considerations are the scope of the application and the impact that changing condition 13 would have on residential amenity and on the local economy and the city's tourism. Other considerations, including in relation to the principle of the development, design and character considerations, impact on highways and ecology and sustainability considerations, were previously assessed under the previously approved application. As this application does not involve any changes that would affect these considerations, the proposal is still considered to be acceptable and policy compliant in those regards.

8 Appraisal

Scope of Application

- 8.1 The proposal is to vary condition 13 of the 2022 Permission to alter the condition wording to extend operation hours of the hotel to non-hotel guests from 7am to 11pm on any given day, to 7am to midnight on Sundays to Thursdays and 7am to 1am on Fridays and Saturdays, with the opening times extended by one additional hour on the Friday and Saturday from 7am to 2am and on the Sunday from 7am to 1am prior to certain bank and public holidays and on other stated significant calendar days.
- 8.2 The proposed changes are considered to fall within the remit of S.73 and to be a material amendment to the scheme of the previous approval as they are for the same site edged red and same described nature of development.
- 8.3 The determining material planning considerations are discussed below. All conditions previously imposed would need to be considered again and imposed with any appropriately amended wording if necessary.

S106 Legal Agreement for Travel Plan

- 8.4 The previously agreed S106 contribution for the monitoring of the Travel Plan [£1,500 per year for 5 years from first occupation] is unaffected by this material amendment application and remains legally binding.

Planning Balance including Residential Amenity Impacts and Economic Benefits

- 8.5 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.
- 8.6 The application site comprises a long-established hotel and entertainment venue which is inclusive of bars, a restaurant and wedding venue, as well as some spa and gym facilities, most of which can be used by non-residents of the hotel at present. It sits on a prime seafront location within an otherwise predominantly residential setting.
- 8.7 The nearest neighbouring properties are those to the immediate north along Walton Road

and Clieveden Road, the closest of which abut the northern boundary of the Roslin's parking area.

8.8 It is reasoned that the current types of amenity impact experienced by neighbours as a result of the existing licensing hours are likely to be from; vehicles entering/exiting the Roslin's formal parking area as well other available on-street parking areas within the adjoining roads, and from activity by and conversations among patrons as they exit the Roslin Hotel. Below is a table comparing the licensing hours and those proposed under this application;

Current Licensing Hours	Proposed Hours under this application
<p>1) Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <p>Sundays to Thursdays 08:00 - 00:00 Fridays and Saturdays 08:00 - 01:00</p> <p>On the following days the permitted hours may be extended for one hour:</p> <p>On the Friday, Saturday and Sunday prior to all bank and public holidays (except Good Friday), and:</p> <p>Burn's Night Valentine's Day 29 February (leap year) St. David's Day Maundy Thursday St. Patrick's Day St. George's Day Halloween St. Andrew's Day Christmas Eve 27 and 28 December New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day.</p> <p>Residents and their guests may be supplied with alcohol at any time.</p> <p>The opening hours of the premises</p> <p>Unrestricted</p>	<p>Extend operational hours of non-hotel guests from:</p> <p>Sundays to Thursdays 07:00 – 00:00 Fridays and Saturdays 07:00 - 01:00</p> <p>With the opening times extended by one additional hour:</p> <p>On the Friday and Saturday (from 7am to 2am) and on the Sunday (from 7am to 1am) prior to certain bank and public holidays (except Good Friday) and on significant calendar days as listed below:</p> <p>Burns Night – 25 January Valentines Day – 14 February 29 February (leap year) St. David's Day – 1 March Maundy Thursday St. Patrick's Day – 17 March St. Georges Day – 23 April Halloween – 31 October St. Andrew's Day – 30 November Christmas Eve – 24 December 27 and 28 December New Year's Eve – 31 December</p>

8.9 Previous historic planning permissions did not include any restrictions on the hours of operation of the restaurant and bar areas of the venue. For information purposes only, the Roslin's current operating hours are in accordance with those approved under its licensing agreement with the Council, which allows for operation of the complex up to midnight on Sundays to Thursdays and up to 1am on Fridays and Saturdays, with the opening times extended by one additional hour on the Friday and Saturday to 2am and on the Sunday to 1am prior to certain bank and public holidays and on other significant calendar days. The license also does not provide distinction between guests and non-hotel guests. Consequently, this application would be syncing the planning and licensing restrictions together.

8.10 Whilst licensing is a separate regime, it does seek to regulate how businesses operate in

broadly the same way as planning, albeit there is more focus on public safety and crime and disorder prevention such that this is considered to carry limited weight in the planning balance.

- 8.11 It is acknowledged that the nature of the Roslin Hotel as an entertainment venue is such that the proposal to extend operating hours to non-hotel patrons will give rise to some noise and disturbance to neighbouring properties within the surrounding streets, particularly Clieveden Road and Walton Road, albeit the degree of harm is hard to quantify given the potential for harm is intermittent and, almost impossible to pin down to either hotel guests or non-hotel guests on any given evening. This harm would likely be of the type identified at para 8.8, with this harm arguably more intrusive as it is carried into later hours/ early morning hours than the condition on the 2022 planning permission sought to restrict.
- 8.12 Of significant relevance to the assessment is the response from this Council's Environmental Health service which does not raise objection to the proposal on the basis that they have received no noise complaints in relation to the current operation of the hotel (which is understood to be until 01:00 for non-residents). This provides the LPA with a relevant and up to date understanding of the degree of harm that might reasonably be expected from extension of the operating hours which, currently, is not sufficient so as to trigger submission of a noise complaint by neighbours.
- 8.13 It is further noted that a condition (26) for details of a Noise Management Plan to be submitted and approved by the Local Planning Authority in line with Member recommendations when considering the initial 2020 application, has been retained, and this has also been weighed in the Planning Balance. Conditions for a Construction Management Plan, to control the hours of operation of certain aspects of the proposal and of external lighting sources to avoid noise and light pollution to the detriment of the residential amenity of neighbours have also been restated within the conditions set out in section 9 of this report.
- 8.14 Of relevance to the assessment also are the clear economic positives of formally extending the operating hours to non-hotel patrons, the case for which is outlined at para 2.5 above where it is argued in the applicant's supporting statement that the 11pm restriction on the 2022 planning permission would harm the operation and viability of the business moving forward. It is important to note the clear policy support for the development of local businesses, in particular those which support and enhance the local tourism economy, which the proposal would clearly underpin.
- 8.15 On this basis, whilst the limited potential harm associated with the formal extension of operating hours to non-hotel patrons, is recognised, from the available empirical evidence, this is not considered to represent significant harm and, any residual harm experienced by neighbouring properties is considered, in this instance, to be materially outweighed by the significant economic and tourism benefits associated with this proposal.

Community Infrastructure Levy (CIL)

- 8.16 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. 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

8.17 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 Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

8.18 The proposal would positively contribute to the NPPF's requirement for local planning authorities to support Sustainable Development having regard to economic, social and environmental objectives,

8.19 The perceived resulting negatives for the local community as expressed in the received objections is a less positive aspect of the proposal. However, when weighed against the economic and tourism benefits of the scheme, together with the fact that the hotel is at present lawfully operating within the hours for which the variation is sought and in line with its existing licensing restrictions and absence of any noise complaints, it is considered the development would, on balance, be acceptable and compliant with the objectives of the relevant local and national planning policies and guidance. This application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 **GRANT PLANNING PERMISSION** subject to the following conditions:

01 The development hereby permitted shall begin no later than 17.03.2025, three years from the date planning permission 20/01199/FULM was granted.

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

02 The development hereby approved shall be carried out in accordance with the approved plans: WP-0753-A-0000-P-00 Rev A; WP-0753-A-0001-P-00 Rev A; WP-0753-A-0003-P-00 Rev A; WP-0753-A-0004-P-01 Rev A; WP-0753-A-0005-P-02 Rev A; WP-0753-A-0006-P-03 Rev A; WP-0753-A-0020-E-XX Rev A; WP-0753-A-0021-E-XX Rev A; WP-0753-A-0022-E-XX Rev A; WP-0753-A-0030-S-XX Rev A; WP-0753-A-0099-P-B1 Rev A; WP-0753-A-0100-P-00 Rev A; WP-0753-A-0101-P-01 Rev A; WP-0753-A-0102-P-02 Rev A; WP-0753-A-0103-P-03 Rev A; WP-0753-A-0200-E-XX Rev A; WP-0753-A-0201-E-XX Rev A; WP-0753-A-0300-S-XX Rev A; WP-0753-A-0301-S-PR Rev A; WP-0753-A-0202-E-XX Rev A; WP-0753-A-0203-E-XX Rev A; WP-0753-A-0204-E-XX Rev A; WP-0753-A-0205-E-XX Rev A; WP-0753-A-0206-E-XX Rev A; WP-0753-A-0207-E-XX Rev A; Existing Room Count Markup.

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

03 The development hereby approved shall only be used as a hotel within Use Class C1 with ancillary or incidental facilities as shown on the approved plans and shall not be used for any other purposes including any other purposes within that use class in the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted

Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instruments revoking or re-enacting these Orders.

Reason: To determine the scope of the permission in the interest of amenity and the character and functionality of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP1 of the Core Strategy (2007) and Policies DM10, DM11 and DM12 of the Development Management Document (2015).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works except demolition and construction up to ground floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration, 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 solely in full accordance with the approved details before it is first used or operated.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 05 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall follow the general principles shown within the approved plans and shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree existing or planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 06 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The hard landscaping scheme shall follow the general principles shown on the approved plans and shall include details and, where practicable, samples of materials to be used on hardsurfacing and boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity of the area in accordance with the National

Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 07 The substation hereby approved shall be constructed solely in accordance with the details contained in the approved plan WP-0753-A-0210-E Rev A or alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 08 Prior to the first use of the development hereby approved, a signage strategy shall be implemented in full accordance with details which have previously been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 09 No development shall take place, including any works of demolition or excavation, unless and until a Construction Management Plan and Strategy to include a Dust Mitigation Strategy has been submitted to, and approved in writing by the Local Planning Authority under the provisions of this condition. The approved Construction Management Plan and Strategy shall be adhered to in full throughout the construction period and shall provide, amongst other things, for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding
- e) measures to control the emission of dust and dirt during construction
- f) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- g) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- h) details of the duration and location of any noisy activities and the measures to be implemented to minimise noise impacts.

Reason: This pre-commencement condition is required in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 10 Construction works associated with the approved development on site shall only be undertaken between 7:30 am to 6 pm on weekdays, between 8 am and 1 pm on

Saturdays and not at any time on Sundays and Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 11 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed on the building hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 12 No external lighting shall be installed on site unless in accordance with the details of a scheme which has previously been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition. Details to be submitted for approval shall include design, siting, direction and screening of the light sources on site. All lighting shall be retained on site in accordance with the approved scheme for the lifetime of the development.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 13 The premises of the hotel hereby approved shall not be open to non-residents outside the hours of 7am to midnight on Sundays to Thursdays and 7am to 1am on Fridays and Saturdays with the opening times extended by one hour on the Friday and Saturday from 7am to 2am and on the Sunday from 7am to 1am prior to the bank and public holidays (except Good Friday) and on significant calendar days (as listed below only):**

-

- Burns Night – 25 January**
- Valentines Day – 14 February**
- 29 February (leap year)**
- St. David's Day – 1 March**
- Maundy Thursday**
- St. Patrick's Day – 17 March**
- St. Georges Day – 23 April**
- Halloween – 31 October**
- St. Andrew's Day – 30 November**
- Christmas Eve – 24 December**
- 27 and 28 December**
- New Year's Eve – 31 December**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 14 Deliveries to and collections (including refuse and recycling collections) from the premises hereby approved shall not take place outside the hours of 7:30 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank or Public Holidays.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 15 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the neighbouring noise sensitive premises.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 16 Notwithstanding the information submitted and otherwise hereby approved, the substation within the development hereby approved shall not be constructed unless and until full details of the acoustic insulation of this building have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The substation shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such thereafter for the lifetime of the development.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 17 The development hereby approved shall not be first used unless and until the access improvement works, the sixty (60) on site car parking spaces, including two (2) spaces for disabled users and forty-four (44) cycle parking spaces shown on the approved plans and traffic management signage and pedestrian access improvements, the details of which have previously submitted to and approved in writing by the Local Planning Authority under the provisions of this condition, have been fully implemented at the site solely in accordance with the approved details. The car and cycle parking spaces, the access arrangements, traffic management signage and pedestrian access improvements shall be permanently maintained thereafter.**

Reason: To ensure that acceptable access arrangements and adequate car and cycle

parking is provided and retained to serve the development in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015).

- 18 Prior to the first occupation of the development hereby approved at least twelve (12) car parking spaces shall have an active electric charging point provided, capable of charging vehicles from the outset, and the remaining forty-eight (48) car parking spaces shall be future proofed with passive electric vehicle charging point provision, with measures such as, but not exclusively, four-way duct and drawpits to all service bays, so that electric charging points can be installed when demand requires.

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Core Strategy (2007), Policies DM3 and DM15 of the Development Management Document (2015) and the advice contained within the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

- 19 The development hereby approved shall not be brought into first use unless and until a Detailed Travel Plan to promote sustainable travel for journeys associated with the proposed development, which shall include, among other requirements, details of parking packs, booking arrangements to be offered to customers, details of parking areas for staff, a communication strategy, which shall include the provision of individual travel packs to engage with customers and employees in order to encourage them to use public transport to access the hotel and timescales for implementation, monitoring and review arrangements for the Detailed Travel Plan, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The Detailed Travel Plan shall be implemented and reviewed in full accordance with the terms set out in the approved details.

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015).

- 20 The development hereby approved shall not be brought into first use unless and until a detailed Car Parking Management Plan to promote sustainable use of the available car parking spaces associated with the proposed development, which shall include, among other requirements, details of the operation of the car parking facilities e.g. timed use of parking by different users, management and enforcement, and consideration to the Safer Parking Award, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The detailed Car Parking Management Plan shall be implemented from the first use of the development and operated for the lifetime of the approved development in accordance with the terms set out in the approved details.

Reason: In the interests of providing sustainable car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015).

- 21 Prior to the first occupation of the development hereby approved the refuse area shown on the approved plans shall be provided and operated in full accordance with the principles contained within a refuse management strategy, which has previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition, in perpetuity for the lifetime of the development.

Reason: To ensure that the development is satisfactorily serviced and that refuse and recycling facilities are provided in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2023), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and Waste Storage, Collection and Management Guide for New Developments (2019).

- 22 The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating “Very Good” has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority.**

Reason: In the interests of providing a sustainable development, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 23 Prior to occupation of the development hereby approved the energy efficiency and other sustainability measures to benefit the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be implemented on site in accordance with the agreed details contained within in the submitted Energy and Sustainability Statement August 2021.**

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), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 24 No construction works other than demolition and excavation works shall take place on site unless and until detailed designs of a surface water drainage scheme incorporating the following measures has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the provisions of this condition. The approved scheme shall be implemented prior to the first occupation of the development and be maintained in good working order in accordance with the maintenance plan for the lifetime of the development. The scheme shall address the following matters:**

- 1) A final version of the Surface Water Management Strategy document shall be submitted.**
- 2) The applicant should consider that although a full infiltration method of discharge may not be feasible, a partial infiltration method may be. Soakaway testing may be required if a partial infiltration system is proposed. Where partial or total infiltration is proposed, consideration should be given to ground stability and deterioration in groundwater quality.**
- 3) The applicant must confirm that the proposed permeable pavement will be implemented. The applicant should consider the use of appropriate systems as green roofs, rainwater harvesting, rain gardens and trees to manage and re-use surface water from roof and impervious hardstanding areas. If these systems are not used, appropriate justification is required.**
- 4) The applicant shall provide a Catchment Plan. This should include any permeable and impermeable areas draining into the system.**
- 5) The applicant shall provide a Detailed Drainage Plan which should show the**

proposed point of connection and flow control chamber. Evidence shall be provided for the acceptance from Anglian Water and the proposed construction details for the connection into the sewer.

- 6) The application shall include graphical information such as plans to show the blockage, conveyance and exceedance routes.
- 7) A more detailed calculation of the available storage volume in the permeable pavement shall be provided, by considering site gradients, permeable/impermeable ratios, sub-base depths, access points for SuDS and incoming/outgoing pipework of the different sections of the pavement.
- 8) The applicant shall provide method statements or other evidence for the management of any health and safety risks related to the drainage/SuDS
- 9) Where applicable, the applicant shall present a process for information delivery and community engagement to relevant stakeholders.
- 10) Where applicable, the applicant shall provide economic valuation costs to demonstrate long-term viability.
- 11) The details of the management agent responsible for maintenance shall be provided. The maintenance schedule provided by the applicant shall consider the requirements of permeable pavement in CIRIA's SuDS Manual.
- 12) The applicant shall provide proposals for foul drainage.
- 13) The permeable pavement must be designed to preserve their structural integrity under any anticipated loading conditions as per S10 (Non-statutory technical standards for SuDS, DEFRA, 2015).

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023) and Policies KP1 and KP2 of the Core Strategy (2007).

- 25 No plant or machinery associated with the approved use shall be installed or operated on the site unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any noise, vibration and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The plant shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 26 The development hereby approved (the new side wings) shall not be used unless and until a noise management plan has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The noise management plan shall relate to the operation of the extended premises as a whole and the premises shall be managed from its first use solely in accordance with the approved noise management plan and thereafter for the lifetime of the development.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 27 The development hereby approved (the new side wings) shall not be used unless and

until a service and delivery management plan has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The service and delivery management plan shall relate to the operation of the extended premises as a whole and include details in relation to matters such as, but not limited to, management of waste storage and collection, delivery and collection of goods, management of third party service providers attending the site as part of the normal operation of the premises. The service and delivery management plan shall be implemented in full from the first use of the development hereby approved and adhered to at all times thereafter in perpetuity.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

Positive and proactive statement:

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

Informatives:

- 1. Please note that the development which is 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).**
- 2. 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.**
- 3. 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend-on-Sea SS2 6ER.

4. Please note that if you require a crane or piling rig to construct the proposed development, 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.
5. 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.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

6. Advertisement signage associated with the development may require consent under separate Advertisement legislation.