

# Public Document Pack

**Southend-on-Sea Borough Council**

**Legal & Democratic Services**

**Strategic Director: John Williams**

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25 October 2021

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - MONDAY, 25TH OCTOBER, 2021**

Please find attached a copy of the Supplementary Report, listed at Agenda Item No. 3 for this evening's meeting, which provides additional information on Applications listed on the Agenda that was unavailable when the Agenda was printed.

**Tim Row**

Principal Democratic Services Officer

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# Southend-on-Sea Borough Council

Development Control Committee 25<sup>th</sup> October 2021

## SUPPLEMENTARY INFORMATION

# 3

Agenda Item 4

17/00733/FULM

**Part of Fossetts Farm, Playing Fields, Jones Memorial Recreation Ground and SUFC Training Ground, Eastern Avenue, Southend-On-Sea, Essex**

**Book 1**

**Section 3 Consultation**

3.22 Table – Housing breakdown should read:

<b>Planning phase</b>	<b>Unit total</b>	<b>Affordable contribution</b>
Full Planning Application	347 units	101 shared ownership
Outline	1,114	259 affordable rent
Total	<b>1461</b>	79 shared ownership <b>439 (30%)</b>

Para 3.5

One further letter of objection received, raising concerns in relation to traffic and impacts on health.

### **Appendix 4 Conditions**

#### **Condition 47 Amended to make specific reference to the Full application**

##### **47a Outline Application Vehicle and cycle parking details**

The development shall not be first occupied or brought into first use in each phase unless and until full details of the car parking (including accessible and Electric Vehicle charging point provision with 20% of all spaces to be provided with active charging points and the remainder of all spaces served by passive provision, subject to an update in local policy standards which may exceed these requirements ahead of Reserved Matters approval), motor cycle, delivery and drop off space, and covered and secured cycle parking (based on drawing reference FOF-LDA-XX-XX-XX-DR-N-ST-0002 Rev 04, FOF-LDA-XX-XX-XX-DR-N-ST-0003 Rev 04 and FOF-LDA-XX-XX-XX-DR-N-ST-0004 Rev 03) to serve the phased development hereby approved have been submitted to and approved in writing by the local planning authority.

**The respective development buildings (as identified in the same plan) shall not be first occupied or brought into first use in each phase unless and until the on-site car parking spaces for the respective buildings, have been provided and made available for use in full accordance with the drawings, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans.**

**The approved parking spaces shall be provided and made available for use and the accessible parking bays shall be clearly marked with a British Standard disabled symbol prior to the occupation of that part of the development and shall be maintained thereafter solely for the parking of occupiers of, visitors to and users of the development.**

**All car park facilities (including residential) will need to be accredited to the 'British Parking Association – Park Mark Scheme' to ensure that measures are in place to safeguard the public and their vehicles.**

#### **47b Full application Vehicle and cycle parking details**

**The development shall not be first occupied or brought into first use in each phase unless and until full details of the car parking (including accessible and Electric Vehicle charging point provision with 20% of all spaces to be provided with active charging points and the remainder of all spaces served by passive provision, subject to an update in local policy standards which may exceed these requirements ahead of Reserved Matters approval), motor cycle, delivery and drop off space, and covered and secured cycle parking to serve the phased development hereby approved have been submitted to and approved in writing by the local planning authority.**

**The respective development buildings shall not be first occupied or brought into first use in each phase unless and until the on-site car parking spaces for the respective buildings, have been provided and made available for use, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans.**

**The approved parking spaces shall be provided and made available for use and the accessible parking bays shall be clearly marked with a British Standard disabled symbol prior to the occupation of that part of the development and shall be maintained thereafter solely for the parking of occupiers of, visitors to and users of the development.**

**All car park facilities (including residential) will need to be accredited to the 'British Parking Association – Park Mark Scheme' to ensure that measures are in place to safeguard the public and their vehicles.**

**Full and Outline: A total of 10 car club parking spaces must be provided, these spaces must be provided with electric charging points.**

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

Plus changes to **Section 9.Recommendation, Book 2 Appendix 3: Heads of Terms and Appendix 4:Conditions, Conditions 11 and 13**, as attached (with track changes for clarity)

**Agenda Item 5**

**Books 4 and 5**

**19/01985/FULM**

**Roots Hall Stadium, Victoria Avenue, Southend on Sea**

Changes to **Appendix 3: Heads of Terms and Appendix 4: Conditions, Condition 3** as attached (with track changes for clarity)

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Fossetts Farm –supplementary agenda

Recommendation:

<b>Recommendation:</b>	<p><b>DELEGATE to the Director of Planning and Head of Planning and Building Control to GRANT PLANNING PERMISSION subject to:</b></p> <p>i. The application being one of strategic importance <a href="#">and including development in the Green Belt (as required by Circular 02/09)</a> to it must be referred to the Secretary of State for <a href="#">Levelling Up, Ministry of Housing, and Communities and Local Government</a> and the grant of permission in accordance with the Committee’s resolution will be subject to no call-in Direction being made by the Secretary of State;</p> <p>ii. Subject to sub-paragraph i) above and to the section 106 agreement (as explained in this report) being completed by the Council and other persons shown in the Heads of Terms appended to this report in Appendix 3 as having a requisite interest in the site before the planning permission is issued, so as to effectively incorporate and transpose the Heads of Terms in Appendix 3 to the satisfaction of the Interim Director of Planning or Group Manager Planning and Building Control</p> <p>iii. That (subject to the Secretary of State’s respective decisions not to direct refusal of permission and/or to call in the application) upon completion of the above Section 106 agreement the Director of Planning and Head of Planning and Building Control be instructed to APPROVE the application reference 17/00733/FULM under delegated powers and grant planning permission subject to conditions substantially in the form contained in Appendix 4 (with such detailed amendments as the Director of Planning and Head of Planning and Building Control may consider to be reasonable and necessary in the course of negotiating the detailed Section 106 Agreement</p> <p>iv. In the event that the agreement referred to in part (ii) above has not been completed before 31st January 2022 or an extension of this time as may be agreed by the Director of Planning and Head of Planning and Building Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions as in part (ii) above and further detailed in Appendix 3. As such, the proposal would be unacceptable and contrary to National Planning Policy Framework (2021) and policies KP1, KP2, KP3, CP3, CP6, CP7 and CP8 of the Core Strategy (2007) DM7, DM8 and DM15 of the Development Management Document (2015)</p>
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Conditions:

11	Full and Outline Application	<b>Stadium funding and building contract(s)</b>	<p>No <a href="#">part of any</a> residential development hereby permitted whether in full or outline, may commence unless and until the Director of Planning and Head of Planning and Building Control has been satisfied:</p> <p>(i) that funding for the delivery of the Stadium providing not less than 13,893 seats, pedestrian access via Supporters Way, car parking for teams and supporters, and public transport has been secured and</p> <p>(ii) that a binding commercial contract or contracts have been entered into to secure the construction and practical completion of the Stadium hereby permitted within a stipulated time period, providing not less than 13,893 seats, a football pitch, pedestrian access via Supporters Way, car parking and public transport.</p>
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			<p>To secure the discharge of this condition a report or reports shall be submitted to the Director of Planning and Head of Planning and Building Control in writing describing and evidencing the relevant matters specified above. Copies of the said contract (s) shall be provided. No development may commence until written notice of the discharge of all elements this condition has been given by or on behalf of the Director of Planning and Head of Planning and Building Control.</p> <p>Reason: To secure the construction, fit out and completion of the Stadium hereby permitted.</p>
13	Full and Outline Application	<b>SUFC Training Ground Replacement Training Centre and Car Parking Delivery</b>	<p>(a) No development whatsoever can commence on land comprising existing playing pitches until replacement facilities of equivalent or better provision have secured planning permission, and been delivered to a standard which enables them to be used and are made available for use to the written satisfaction of the Director of Planning and Head of Planning and Building Control. To secure the discharge of this condition a report shall be submitted in writing describing <a href="#">both the old and new facilities together with confirmation that a lease for their use has been entered into with evidence of the same</a>. The new facilities shall be those set out in planning application reference 17/00436/FUL Land North of Smither's Chase submitted to Rochford District Council <a href="#">as originally submitted and shall be in accordance with the dimensions shown on drawing number 1819-1011 Rev 2 submitted as part of that application</a>. No development may commence until written notice of the discharge of all elements this condition <a href="#">a), b) and c)</a> <a href="#">has</a> been given by or on behalf of the Director of Planning and Head of Planning and Building Control.</p> <p>(b) No development whatsoever can commence on land comprising existing car parking facilities for players and staff until replacement facilities of equivalent or better provision <a href="#">conveniently located to the replacement playing pitches and clubhouse</a> have secured planning permission, and been delivered to a standard which enables them to be used and are made available for use to the written satisfaction of the Director of Planning and Head of Planning and Building Control. To secure the discharge of this <a href="#">part of this</a> condition a report shall be submitted in writing describing the <a href="#">old and new facilities together with confirmation that a lease for their use has been entered into with evidence of the same</a>. The new facilities shall be those set out in planning application reference 17/00436/FUL Land North of Smither's Chase submitted to Rochford District Council <a href="#">or such other temporary provision as the Director of Planning and Head of Planning and Building Control may admit provided such facilities have planning permission. If prior to the provision of those car parking facilities for players and staff, temporary facilities are to be provided to be set out in a planning application to Southend-on-Sea Borough Council</a>. This temporary provision shall continue to be made available until the new facilities set out in planning application reference 17/00436/FUL are provided and made available for use to the written satisfaction of the Director of Planning and Head of Planning and Building Control. No development may commence until written notice of the discharge of all elements this condition <a href="#">a), b) and c)</a> <a href="#">has</a> been given by or on behalf of the Director of Planning and Head of Planning and Building Control.</p> <p>(c) No development whatsoever can commence on land comprising existing clubhouse until replacement clubhouse facilities of equivalent or better provision <a href="#">conveniently located to the replacement playing pitches and player car parking</a> have secured planning permission and been delivered to a standard which enables them to be used and are made available for use to the written satisfaction of the Director of Planning and Head of Planning and Building Control. To secure the discharge of this condition a report shall be submitted in writing describing the <a href="#">old and new facilities together with confirmation that a lease for their use has been entered into with evidence of the same</a>. The new facilities ultimately shall be those set out in planning application reference 17/00436/FUL Land North of Smither's Chase submitted to</p>



		<p>Rochford District Council. If prior to the provision of that clubhouse facility a temporary facility is to be provided it shall be that in a planning application to Southend on Sea Borough Council. This temporary facility <a href="#">or such other temporary provision as the Director of Planning and Head of Planning and Building Control may admit provided such facilities have planning permission</a> shall continue to be made available until the new facilities set out in planning application reference 17/00436/FUL are provided and made available for use to the written satisfaction of the Director of Planning and Head of Planning and Building Control. No development may commence until written notice of the discharge of all elements this condition <a href="#">a), b) and c)</a> has been given by or on behalf of the Director of Planning and Head of Planning and Building Control.</p> <p>(d) No <a href="#">Stadium related or</a> other development including residential development hereby permitted may commence unless and until the Director of Planning and Head of Planning and Building Control has been satisfied that planning application reference 17/00436/FUL Land North of Smither's Chase submitted to Rochford District Council has been granted and demonstrated to be free from legal challenge to the written satisfaction of the Director of Planning and Head of Planning and Building Control. No development may commence until written notice of the discharge of all elements this condition has been given by or on behalf of the Director of Planning and Head of Planning and Building Control.</p> <p>Reason: In order to provide continuity of the training centre facility, car parking facilities and clubhouse facilities provision for SUFC.</p>
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#### Section 106 Heads of Terms:

<b>Continuity of Provision</b>
<p>Continuity of training pitches, associated car parking and Clubhouse</p> <p>a) New training pitches to be provided to an equivalent or better standard than the existing training pitches and to be available for use, including a lease for their use having been granted, before any works are undertaken to the existing training pitches. The new facilities shall be those set out in planning application reference 17/00436/FUL Land North of Smither's Chase submitted to Rochford District Council <a href="#">as originally submitted and be in accordance with the dimensions shown on drawing number 1819-1011 Rev 2 submitted as part of that application</a>.</p> <p>b) New car parking facilities to be provided <a href="#">conveniently located to the replacement playing pitches and clubhouse</a> to an equivalent or better standard than the existing car parking facilities and to be available for use, including a lease for their use having been granted, before any works are undertaken to the existing car parking facilities. The new facilities shall be those set out in planning application reference 17/00436/FUL Land North of Smither's Chase submitted to Rochford District Council.</p> <p>c) New Clubhouse to be provided to an equivalent or better standard than the existing Clubhouse and to be available for use, <a href="#">conveniently located to that replacement playing pitches and player parking</a> including a lease for their use having been granted, before any works are undertaken to the existing Clubhouse. The new facilities shall be those set out in planning application reference 17/00436/FUL Land North of Smither's Chase submitted to Rochford District Council.</p> <p>d) In the event temporary training facilities are to be made available, they shall continue to be made available until the new Clubhouse is provided and made available.</p>

e) Not to carry out any works connected to the Development until the Council have confirmed in writing that they are satisfied that planning application reference 17/00436/FUL Land North of Smither's Chase submitted to Rochford District Council has been granted and demonstrated to be free from legal challenge

Not to carry out any works connected to the Development until the Council have confirmed in writing that they are satisfied that parts (a), (b), (c), (e) and if relevant (d) have been satisfied.

Not to carry out works connected to [any part of the residential development](#) until funding of all parts of the Delivery Strategy, from Homes England or some other suitable source, to secure the delivery of the [Stadium providing not less than 13,893 seats, pedestrian access via Supporters Way, car parking for teams and supporters, and public transport Stadium Phase 1 and other works](#) has been secured in binding contracts and has been demonstrated to the written satisfaction of, and approved in writing by, the Council.

Not to carry out any works in connection with Residential Units until written confirmation that an unconditional Construction Contract or Contracts for [the delivery of the Stadium providing not less than 13,893 seats, pedestrian access via Supporters Way, car parking for teams and supporters, and public transport specified works](#) have been entered into with a commencement date within a specified period and this has been demonstrated to the written satisfaction of the Council.

Not to carry out any works in connection with more than 850 Residential Units until the Stadium Phase 1 and [all the new training facilities](#) or temporary training facilities are practically complete and operational for the hosting of professional football matches

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Roots Hall – tracked changes for Supplementary Agenda

Conditions:

3	<p><b>Retention of operational stadium until Fossetts Farm is operational</b></p>	<p>No development whatsoever, including but not limited to any demolition or stripping out of the existing stadium, shall commence unless and until</p> <p>(a) the new Stadium application comprising all of elements of Stadium phase 1 including the provision of the new Football Pitch, the erection of the east, west and southern stands with seating to accommodate no less than 13,893 spectators, identified on Phasing Plan 22274-CW-ZZ-AA-M3-A-Site-SO.RVT Revision P-O3 at Fossetts Farm and set out in approved plans L1 Lower Concourse/BOH Level, Phase 01, GA Plan - SUS-POP-00-01-GA-A-0101 to Roof Level, Phase 01, Ga Plan - SUS-POP-00-RF-GA-A-0106, North/South, East/West Sections Phase 01 - SUS-POP-ZX-ZZ-SE-A-0200, Bowl Plan Phase 1 - SUS-POP-00-04-GA-A-6000 and in the Development Framework Specification at paragraph 2.5 under reference 17/00733/FULM is granted full planning permission by Southend on Sea Council; and</p> <p>(b) Phase I including the provision of the new Football Pitch, the erection of the east, west and southern stands with seating to accommodate no less than 13893 spectators and Supporters Way is built out fully in accordance with the permission(s) granted <del>including any subsequent variation if applicable</del> and subsequently made available for use whether by Southend Football Club or any other Club to the satisfaction of the Director of Planning or Head of Planning and Building Control; and</p> <p>(c) Adequate Supporters, players and staff car parking and public transport provision on match days is laid out and made available in accordance with planning permission 17/00733/FULM and with planning permission granted by Rochford District Council under reference 17/00436/FUL Land North of Smither’s Chase</p> <p><del>(d) Adequate replacement clubhouse facilities of equivalent or better provision have secured planning permission and been delivered to a standard which enables them to be used and are made available for use to the written satisfaction of the Director of Planning or Head of Planning and Building Control. The new facilities ultimately shall be those set out in planning application reference 17/00436/FUL Land North of Smither’s Chase submitted to Rochford District Council. If prior to the provision of that clubhouse facility a temporary facility is to be provided it shall continue to be made available until the new facilities set out in planning application reference 17/00436/FUL are provided and made available for use to the written satisfaction of the Director of Planning or Head of Planning and Building Control.</del></p> <p>To secure the discharge of this condition the applicant shall submit to the Director of Planning or Head of Planning and Building Control a report including evidence of the satisfactory practical completion of all elements set out above, completed and executed agreements for lease for all the above facilities for a minimum of 20 years in a form annexed to the Agreement, and a safety certificate authorising the use of the Stadium by the public. No development whatsoever shall commence unless and until all matters set out above are evidenced to the written satisfaction of the Director of Planning or Head of Planning and Building Control.</p> <p>Reason: To protect the sporting social and cultural function of Southend United Football Club.</p>

Section 106 Agreement Heads of Terms:

**Continuity of Stadium Provision**

No development whatsoever, including but not limited to any demolition or stripping out of the existing stadium, shall commence unless and until:

- a) the new Stadium application comprising all of elements of Stadium phase 1 including the provision of the new Football Pitch, the erection of the east, west and southern stands with seating to accommodate no less than 13893 spectators, identified on Phasing Plan 22274- CW-ZZ-AA-M3-A-Site-SO.RVT Revision P-O3 at Fossetts Farm and set out in approved plans and in the Development Framework Specification at paragraph 2.5 under reference 17/00733/FULM is granted full planning permission by Southend on Sea Council;
  - b) Phase I including the provision of the new Football Pitch, the erection of the east, west and southern stands with seating to accommodate no less than 13893 spectators and Supporters Way is built out fully in accordance with the permission(s) granted and subsequently made available for use whether by Southend Football Club or any other Club to the satisfaction of the Director of Planning or Head of Planning and Building Control; and
  - c) Adequate supporters, players and staff car parking and public transport provision on match days is laid out and made available in accordance with planning permission 17/00733/FULM and planning permission granted by Rochford District Council under reference 17/00436/FUL Land North of Smither's Chase
  - d) ~~Adequate replacement clubhouse facilities of equivalent or better provision have secured planning permission and been delivered to a standard which enables them to be used and are made available for use to the written satisfaction of the Director of Planning or Head of Planning and Building Control. The new facilities ultimately shall be those set out in planning application reference 17/00436/FUL Land North of Smither's Chase submitted to Rochford District Council. If prior to the provision of that clubhouse facility a temporary facility is to be provided it shall continue to be made available until the new facilities set out in planning application reference 17/00436/FUL are provided and made available for use to the written satisfaction of the Director of Planning or Head of Planning and Building Control.~~
- The Owner shall submit to the Council for approval in writing a report including evidence of the satisfactory practical completion of all elements set out above, completed and executed agreements for lease for all the above facilities for a minimum of 20 years in a form annexed to the Agreement, and a safety certificate authorising the use of the Stadium by the public. No development whatsoever shall commence unless and until all matters set out above are evidenced to the written satisfaction of the Director of Planning.