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SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 5th January, 2022

Time: 4.00 pm

Place: Council Chamber, Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

AGENDA

- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
- 3 **Minutes of the Meeting held on Monday 25th October 2021**
- 4 **Minutes of the Meeting held on Wednesday 3rd November 2021**
- 5 **Supplementary Report**
To follow
- **** **Contents and Introduction**
- **** **Reports on Planning Applications**
- 6 **20/01199/FULM - Roslin Hotel, Thorpe Esplanade, Southend on Sea (Thorpe Ward) (Pages 131 - 216)**
- 7 **21/02172/FUL & 21/02173/LBC - 5 - 6 Clifftown Parade, Southend-on-Sea (Milton Ward) (Pages 217 - 262)**
- 8 **21/02116/FULH - 7 Navestock Gardens, Southend-on-Sea (Southchurch Ward) (Pages 263 - 282)**
- **** **Enforcement of Planning Control**
- 9 **20/00027/UNAU_B - 32 Belfairs Drive, Leigh-on-Sea (Belfairs Ward) (Pages 283 - 288)**
- 10 **19/00158/UNAU_B - 21 Holland Road, Westcliff-on-Sea (Milton Ward) (Pages 289 - 304)**
- 11 **21/00061/UNAU_B - 193 Eastern Esplanade, Southend-on-Sea (Thorpe Ward) (Pages 305 - 316)**

TO: The Chair & Members of Development Control Committee:

Councillor N Ward (Chair),

Councillors A Dear (Vice-Chair), J Beck, K Buck, D Cowan, M Dent, F Evans, D Garne, D Garston, S Habermel, D Jarvis, A Jones, K Mitchell, C Mulrone, A Thompson, S Wakefield and C Walker

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Monday, 25th October, 2021
Place: Council Chamber - Civic Suite

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Present: Councillor N Ward (Chair)
Councillors J Beck, K Buck, D Cowan, T Cowdrey*, M Dent, F Evans,
N Folkard*, D Garne, D Garston, S Habermel, D McGlone*,
K Mitchell, A Thompson, S Wakefield, C Walker and P Wexham*
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillors C Mulroney and R Woodley
J Williams, G Gilbert, T Saunders, K Waters, C Galforg, M Warren,
N Hoskins and T Row

Start/End Time: 6.00 pm - 9.40 pm

409 Apologies for Absence

Apologies for absence were received from Councillors Dear (substitute: Councillor McGlone), Jarvis (substitute: Councillor Folkard), Jones (substitute: Councillor Cowdrey) and Mulroney (substitute: Councillor Wexham).

410 Declarations of Interest

The following interests were declared at the meeting:

- (i) Councillor D Garston – Application Ref. No. 17/00733/FULM – Non-pecuniary interest: Is a retailer and a Retail Impact Assessment is mentioned in the report;
- (ii) Councillor Mitchell – Application Ref. No. 19/01985/FULM – Non-pecuniary interest: Lives in the vicinity of Roots Hall Stadium;
- (iii) Councillor Ward – Application Ref. Nos. 17/00733/FULM and 19/01985/FULM – Non-pecuniary interest: Family members are share-holders of SUFC; and
- (iv) Councillor Wexham – Application Ref. No. 17/00733/FULM - Non-pecuniary interest: Son is a firefighter and Southend Fire Station is mentioned in the report.

411 Supplementary Report

The Committee received and noted a supplementary report by the Deputy Chief Executive and Executive Director (Growth and Housing) that provided additional information on the items referred to elsewhere on the Agenda. An amended summary of conditions for each application was also circulated and noted.

412 **17/00733/FULM - Part of Fossetts Farm, Playing Fields, Jones Memorial Recreation Ground and SUFC Training Ground, Eastern Avenue, Southend-on-Sea, Essex (St. Lukes Ward)**

Proposal: Hybrid planning application for part full and part outline consent for phased development for relocation of Southend United Football Club comprising:

Full Application for erection of 21,000 seat football stadium; comprising east, west, south and north stands basement excavation changing rooms; ticket office; club shop; food drink concessions; cafe/restaurant: temporary stadium works including: erect end stand cladding, press seats and workroom, directors' seating and box, scoreboard and floodlights: stadium parking, new vehicular access from Fossetts Way, pedestrian access from Sutton Road and related ancillary works: stadium north stand, to include 107 bed hotel, conference floorspace and two residential corners to stadium of 4-6 additional storeys, 182 units: erect fan plaza residential building of 72 units with ground floor sporting and community floorspace of 890sqms (sui generis), 5-7 storey's, ground floor, parking, landscaping, access and related ancillary works; erect two residential buildings Fossetts Way north 42 units and south 51 units of 6-7 storeys and 4-7 storeys, car parking, access, landscaping and ancillary works; erect two soccer domes, changing facilities, classrooms, players hostel accommodation, parking and landscaping; and

Outline Application (with all matters reserved except means of access) for demolition of existing training centre and club house; erect buildings ranging in height from 1-9 storeys to provide a total of up to 118,000 sqms (GIA) of residential floorspace (up to 1,114 units), other commercial floorspace of up to 1,609 sqms (Use Class E) and up to 280 sqms community use (Use Classes F1/ F2); car parking; servicing; landscaping; new public realm; access from Eastern Avenue, related ancillary works.

**Applicant: Southend United Football Club
Agent: Ms Mary Power, PowerHaus Consultancy**

Mr Walker, a local resident, spoke as an objector to the application. Mr Martin, responded on behalf of the applicants.

Resolved:- That the Director of Planning and Head of Planning and Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to:

(i.) The application being one of strategic importance and including development in the Green Belt (as required by Circular 02/09) it must be referred to the Secretary of State for Ministry of Levelling Up, Housing and Communities 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;

(ii.) the completion of an agreement under section 106 of the Town & Country Planning Act 1990 (as amended) as having a requisite interest in the site before the planning permission is issued, so as to effectively incorporate and transpose the following Heads of Terms to the satisfaction of the Interim Director of Planning or Group Manager Planning and Building Control:

Affordable Housing

- A minimum of 30% Affordable Housing to be provided on-site in each phase, until Affordable Housing equivalent to 30% of the Development as a whole has been provided
- Tenure Split 59% affordable rent and 41% shared ownership (unless otherwise agreed)
- Affordable housing dwelling mix for full part of applications 40% 1-bed units, 42% 2-bed and 19% 3-bed units (unless otherwise agreed)
- Affordable housing dwelling mix (for outline element of the application) of 38% 1-bed units, 46% 2-bed, 15% 3-bed and 1% 4-bed unit (unless otherwise agreed)
- Not to occupy more than 35% of market housing units in each phase until 100% of affordable housing in that phase has been practically completed and transferred
- Nominations of Affordable Housing Units (as applicable)
- Restriction on use of affordable housing units for affordable housing
- Council's standard provision for charges of affordable housing
- All housing, including Affordable Housing to meet Nationally Described Space Standards

Secondary Education

- Phased contributions towards Secondary Education provision calculated on a formula basis to be used towards upgrading/refurbishment/extension at Cecil Jones Academy, Southchurch High School or Chase High School
- Payable prior to Commencement of each phase
- In respect of each 2 bed Market Residential Unit:
The multiplier of 0.03 multiplied by the cost per new pupil place of £18,469 multiplied by the number of 2 bed Market Residential Units to be provided in the relevant phase multiplied by the regional multiplier of 1.02 (Indexed)
- In respect of each 3 bed Market Residential Unit
The multiplier of 0.25 multiplied by the cost per new pupil place of £18,469 multiplied by the number of 3 bed Market Residential Units to be provided in the relevant phase multiplied by the regional multiplier of 1.02 (Indexed)
- In respect of each 4 bed Market Residential Unit
The multiplier of 0.25 multiplied by the cost per new pupil place of £18,469 multiplied by the number of 4 bed Market Residential Units to be provided in the relevant phase multiplied by the regional multiplier of 1.02 (Indexed)

RAMS

- Tariff based contribution in accordance with Essex Coast RAMS SPD adopted by LPA on 30 October 2020, currently £127.30 per dwelling (Indexed)
- Payable prior to Commencement of each phase

Highways

- In the highways section, "match-day" refers to any First Team League, Cup or friendly match. Events are to be treated the same as a First Team match.
- Contribution of £10,000 for Cuckoo Corner roundabout towards monitoring and changing the signal times of the Cuckoo Corner junction to cater for traffic associated with the Development payable prior to first occupation.
- A contribution of £100,000 for VMS and car park guidance signage which is to be integrated into the Council's traffic and parking management system. The VMS is for the construction phase as well as for the long term. Payable prior to commencement of development.
- A contribution of £15,000 towards the provision of webcams / cameras to link the Council's Traffic control centre to Cuckoo Corner, Bell, Eastern Avenue / Sutton

Road roundabout and Eastern Avenue / Royal Artillery Way / Hamstel Road roundabout. Payable prior to commencement of development.

- A contribution of £500,000 towards the consultation and implementation of a flexible Controlled Parking Zone/series of Controlled Parking Zones and the enforcement thereof in the vicinity of the site excluding costs associated with unlocking the parking signs for match-days and events, which are to be met by the owner. TRO costs to be met by the owner and to be in place prior to commencement of development. Any additional associated costs to be covered by the owner including but not limited to any required as a result of adjustments to the TRO and CPZ areas, and additional consultation. Payable prior to commencement of the Stadium, Phase 1A.

- Site Wide TRO Contribution of £30,000 towards traffic regulation orders required on the site or in the vicinity of the site as part of the development. Payable on the first anniversary of commencement.

- Contribution of £10,000 towards the establishment of a traffic regulation order to enable coach parking at Temple Farm for match-days and events £10,000. Cost does not include unlocking the parking signs for match-days and events, which is to be met by the owner. TROs to be in place before occupation of the Stadium. Payable prior to commencement of the Stadium, Phase 1A.

- Contribution of £20,000 towards pedestrian signage signposting people to and from the Stadium, payable before commencement of the Stadium, Phase 1A.

- Contribution of £100,000 towards cycle network improvements and feasibility study in the vicinity of the Site to ensure cycle ways proposed as part of the Development link to the current and planned cycle network. Payable prior to commencement.

- Contribution of £70,000 towards four real time bus passenger information boards to be displayed at the bus stops and in the vicinity of the site to contribute to the overall pedestrian and vehicle management measures, which are required as a direct consequence of the development (permission to carry out the installation not to be withheld by the landowner). First instalment of £40,000 to be paid on the first anniversary of commencement of Zone A, second instalment of £30,000 to be paid on the first anniversary of commencement of the Stadium, Phase 1A.

- Contribution of £60,000 to provide two bus shelters and associated works at the Fossetts Way bus stops plus a coach shelter and associated works in the vicinity of the Stadium to contribute to the overall pedestrian and vehicle management measures, which are required as a direct consequence of the development (permission to carry out the installation not to be withheld by the landowner), the first instalment of £40,000 payable on the first anniversary of commencement of Zone A and the second instalment of £20,000 payable on the first anniversary of commencement of the Stadium, Phase 1A.

- Highway works to take place on the highway (as identified in condition 46) to be secured by appropriate trigger points and pursuant to a S278 Agreement to be entered before commencement, to include supervision fee up to a maximum of 10%, including:

Before occupation:

- Eastern Avenue Access Works;
- Fossetts Way Roundabout Works;
- Sutton Road Access Works;
- Eastern Avenue Pedestrian Works;
- Eastern Avenue Crossing Works;
- North South Pedestrian Works;
- Fossetts Way Pedestrian Access Works;
- Fossetts Way Toucan Crossing Works;

- Sutton Road Western Footway Works;
- Eastern Avenue Footway/Cycle Works; and
- Bus Stops to be provided on Fossetts Way.

Before occupation of the Stadium, Phase 1A:

- Stadium Rising Bollards Works;
- Supporters Way Works;
- PERS Works; and
- Coach Stops to be provided.

Before occupation of the earlier of the Stadium, Phase 1A, or more than 350 residential units:

- Eastern Avenue/Sutton Road junction improvements, signalisation and crossing works; and
- Royal Artillery Way/Hamstel Road junction improvements, signalisation and crossing works.

- Sustainable Transport Contribution of £200,000 payable before first occupation for the monitoring of trip rates, use of sustainable transport measures and further highway improvements if deemed necessary to mitigate the transport impact of the Development.
- Travel Strategy Group to be established to monitor sustainable transport/modal split targets for match-days and non- match days until the later of the 10th anniversary of first occupation or until practical completion of the development as a whole with the ability to recommend the drawdown of the Sustainable Transport Contribution, Council to have final approval of recommendations made and draw down of the Sustainable Transport Contribution. Travel Strategy Group to liaise with the Travel Plan Co-ordinator and with the Stadium Transport Liaison Group. Stadium Transport Liaison Group to be formed of the following stakeholders:
 - Southend United Football Club;
 - Southend-on-Sea Borough Council;
 - Bus and Rail Operators;
 - Essex Police, Fire and Ambulance Services;
 - British Transport Police; and
 - Local businesses, such as Waitrose.
- Prior to occupation to procure additional bus services to be provided for a minimum period of 10 years between Southend Travel Centre and the new Stadium, the costs of which shall be met by the Applicant. Provisions to include details for approval of the arrangements by the Council, together with regular monitoring obligations. Bus obligations include but are not limited to:
- Prior to first occupation the applicant will need to procure for a minimum period of 10 years commencing upon and including the first operating day the following bus provisions:
 - As a minimum the bus service must serve the proposed Fossetts development site and travel to and from Southend Town Centre.
 - To provide a half hourly bus service to the site from 7am to 11:00pm Monday to Friday and from 7:30am to 10:30pm on Saturdays. On Sundays and bank holidays to provide an hourly service from 8:00am to 10:00pm. The use of the bus services to be monitored and dependent on usage to increase the headway if required.
 - For match-days and event days the bus service will need to be enhanced with buses every 20 minutes during the 2 hours before a match/event and to every 20

minutes until 2 hours after a match/event. During the match/event the bus service can go back to the 30 minutes headway.

- The applicant must liaise with the bus operating companies to procure registered bus services and these bus routes and services must be agreed in writing by SBC before implementation.

- Bus service operation must be reviewed by the applicant and discussed with SBC within the first year of the site opening to confirm the level of provision.

- The applicant must attend meetings with SBC regarding bus provision, routes and patronage at the same frequency as meetings of the Travel Strategy Group.

- To provide shuttle buses on match-days and event days to transport people from and to the key train stations. As a minimum serving Southend Central Station, the Travel Centre and the Stadium running every 15 minutes for 2 hours before a match/major event and every 15 minutes for 2 hours after a match/event.

- The following works that have been identified in the PERS (Pedestrian Environment Review System) Audit shall be carried out and completed in accordance with a S278 Agreement prior to first occupation of the Stadium, Phase 1A:

- Short Street (west footway) – Install dropped kerbs and tactile paving at all crossovers, resurface footway with high quality paving slabs and address tree roots, create more obvious crossing point from west to east footway where the west footway ceases.

- Short Street (east footway) – Install lighting and CCTV cameras

- East Street between Prittlewell and Sutton Road (north footway) – Widen north footway. Relocate street furniture to sides once footway widened, install dropped kerbs and tactile paving, and provide pedestrian signage.

- East Street between Prittlewell and Sutton Road (south footway) – Install dropped kerbs, tactile paving, provide pedestrian signage.

- Eastern Avenue between Sutton Road and Fossetts site (north footway) – Provide pedestrian signage to use south side or alternative route signage.

Continuity of Provision

Continuity of training pitches, associated car parking and Clubhouse

(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 as originally submitted and be in accordance with the dimensions shown on drawing number 1819-1011 Rev 2 submitted as part of that application.

(b) New car parking facilities to be provided conveniently located to the replacement playing pitches and clubhouse 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.

(c) New Clubhouse to be provided to an equivalent or better standard than the existing Clubhouse and to be available for use conveniently located to the replacement playing pitches and player parking, 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.

(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.

(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 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 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.

Amenity Space and Management Plan

- Landscaping Scheme required before commencement of each phase to identify details, ensure legibility, public access and maintenance and how future maintenance will be funded, to secure the benefits of the amenity space identified in the planning application for the lifetime of the development to be submitted to and approved in writing by the Council.

- Manager to be established and appropriately funded for the residential open space, and the Stadium open space to be maintained by the Stadium operator, both with a costs budget to be submitted to the Council for approval in writing.

- Residential public open space to be provided at not less than 1.48ha, including a 0.75ha linear park within the Site as shown on the Land Use Parameter Plan (Plan FOF-LDA-XX-XX-XX-DR-N-ST-00005) and a minimum of 0.73 hectares of public realm including town squares, pocket parks and structural landscape, including play space provision which must include an equipped play space (Local Equipped Area for Play) of 400m², informal provision (Local Area for Play) for an additional 100m² and a 30m landscape buffer adjacent to the Scheduled Ancient Monument the siting and details of which are to be approved as part of each Reserved Matters Application

- Stadium public open space provided at not less than 2.9ha including Supporters Way and Fan Plaza

- Open space to be practically complete, inspected and opened to the public in accordance with specified triggers.

Car Club

- Owner to enter into an agreement with a car club operator for a period of 10 years before occupation of any residential units
- Provision of 10 car club vehicles, and a minimum of one year free memberships and a specified number of free driving hours for future occupiers at the cost of the Developer for a ten year period (10 car club spaces secured by condition)
- Provision of car club vehicles to be linked to phasing, with at least three car club vehicles available and on site at first occupation of any residential units, and not more than 350 residential units occupied until a further 7 car club vehicles are available and on site.

Employment and Skills

- At points to be agreed, to:
 - enter into a Training Agreement with the Council and/or a training provider for the provision of on-site construction training during that Phase for people living in the Council's area; and
 - comply with the provisions of the relevant Training Agreement during each Phase.
- 15% local labour for construction phase (reasonable endeavours)
- 20% local labour for end user phase (reasonable endeavours)
- 15% local supply chain (reasonable endeavours)
- Apprenticeships and Traineeships numbers to be determined on a phase by phase approach, based on capital value and number of units. Statement in S106 to commitment to apprenticeships and traineeships.
- Cash contribution to support 150 individuals gaining the SECTA training at the rate of £300 per person, over the duration of the first and second phases, aligning with the traineeship and apprenticeship opportunities, with training to take place before the commencement of each phase.
- If targets are not achieved, £1000 for every percentage point missed to be invested in associated skills, employment or business activity.
- Monitoring provisions.
- Consideration of provisions for training/permanent employment in the completed development

Travel Plan and Travel Plan Monitoring Fee

- Secure implementation of the Travel Plan (including Match Day Travel Plan) and monitoring.
- Travel Plan Monitoring Fee of £5,000 per annum for 10 years from first occupation of a residential unit (Provision of Travel Plan secured by condition)
- Travel Plan Co-Ordinator to be appointed before first occupation of a residential unit for a ten-year period

Travel Packs

- Travel Packs to be approved by the Council and provided to each residential unit prior to occupation
- Travel Packs must contain, among other things:
 - 4 x travel cards for use on local buses valid for 2 weeks
 - 4 x season tickets for use on c2c or Greater Anglia train lines valid for 1 week.
 - Details of free car club membership valid for 1 year
 - Details of 10 car club driving hours for those eligible

- Details of personalised Journey Planning to be provided to the first occupier of each residential Unit prior to occupation

CCTV

- CCTV to be provided, applicant to demonstrate reasonable endeavours to link their CCTV system to the Council's system before occupation of each phase, applicant to be responsible for the costs of connecting

Scheduled Monument

- Contribution to be paid over a ten-year period, with the first payment on Commencement of the first phase of the Development, towards the implementation of a management plan for the Prittlewell Camp Scheduled Monument,
- Contributions:
 - Year one: £110,200
 - Year 2 - costs £6,950 plus revenue maintenance costs £11,700
 - Years 3 -10 annual maintenance costs of £11,700 per annum
- Scheduled Monument Management Plan to be submitted, approved and implemented, including but not limited to dealing with the provision of access and rights to carry out works and maintenance

Community Use

- Community Soccer Dome Community Use Agreement, Stadium Community Use Agreement and Community Use of Artificial Grass Pitches to be implemented in accordance with details approved pursuant to planning conditions 55 and 56

Major Event Day Plan

- Secure implementation of the Major Event Day management plan the details of which are secured by condition 77.

Public Art

- Public Art to be provided at Fan Plaza, Supporters Way and Linear Park, unless otherwise agreed in writing with the Council to a minimum total value of £150,000
- Strategy to be submitted to and agreed in writing with the Council before the commencement of each phase in which public art is to be located.
- Art to be provided in accordance with specified triggers

Community Fund

- Payment of a contribution towards a fund to provide community benefit of £25,000 prior to first occupation of the residential units

Cecil Jones Memorial Ground Improvement Contribution

- Payment of a contribution of £40,000 for the supply and installation of a multi-play unit and associated safer surfacing at Jones Memorial Ground Play Area, payable prior to first occupation of residential units

SUCET

Obligation to implement the SUCET increased activities in accordance with the initiatives and targets set out in the Sporting and Community Benefits statement including but not limited to:

- Steering group established, of which the Council, Southend United Football Club, Citizen Housing LLP and the Registered Provider are members, to oversee the proposed activities/initiatives, programme/timetable and implementation of activities, to include measures to be introduced where falling short on 5-year plan

- Monitoring reports to monitor progress against the 5-year plan and benchmarked against the value of the proposed initiatives in the 5-year plan, with alternative proposals to be implemented to achieve an equivalent value (if required)
- Obligation on applicant to make required facilities available to SUCET to implement the activities
- Prior to first occupation of the Stadium, applicant to submit a schedule of when SUCET activities will be operating from the Fossetts Farm site, to be agreed with the Council in writing and implemented by the applicant

Other Provisions

- Contributions and caps to be subject to Indexation
- Agreement to include appropriate provisions regarding the return of unspent, uncommitted contributions
- Legal fees
- S106 Monitoring fees
- Monitoring provisions
- Enforcement of details secured by condition for offsite works, including but not limited to:
 - (i) Construction Logistics/Traffic Management Plan
 - (ii) SMP
 - (iii) Local Area Management Plan
 - (iv) Car Park Management Plans
 - (v) Major Event Day Travel Plan
 - (vi) Travel Plan
- Phases currently comprise Phase 1A, Phase 1B, Phase 1C, Phase 1D, Phase 2A, Phase 2B and Phase 3. Provision for dealing with any changes to the time for compliance with Section 106 Agreement obligations in the event of changes to the phasing plan agreed in writing with the Council
- Provisions for binding Council and Loxford Land
- Joint and several liability by the owners
- Release from restrictions contained within previous Section 106 Agreement.

(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 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 the following conditions (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):

GENERAL CONDITIONS

1. Full Application – Commencement:

The development for which detailed approval is hereby permitted as shown on drawing SEU-POP-00-ZZ-SI-A0004 Rev 00, shall be begun no later than 3 (three) years beginning with the date of this permission.

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

2. Outline Application - Reserved Matters:

No development of any phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12), shall commence unless and until details of Layout; Scale; Appearance; Landscaping; remaining elements of access not applied for in detail for that phase (hereinafter called the "Reserved Matters") have been submitted to and approved by the Local Planning Authority. The development of the phase shall be carried out only in accordance with such details once approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

3. Outline Application - Submission for approval and commencement of the Outline elements:

Application for approval of the first Reserved Matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The Application for approval for the final set of Reserved Matters pursuant to the outline permission shall be made before the expiration of 5 (five) years from the date of this permission.

Implementation of a Reserved Matters approval shall commence no later than 5 (five) years from the date of this permission or 2 (two) years from the date of approval of the last of the reserved matters to be approved, whichever is the latter.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

4. Full Application - Approved Plans and documents:

The development for which detailed approval is hereby permitted, shall be carried solely out in accordance with the approved plans and documents below:

Documents

- Planning Application Form and CIL Form
- New Environmental Statement Rev A Volume 1 – Main Text
- New Environmental Statement Rev A Volume 2 – Figures and Appendices
- New Environmental Statement. Rev A; Non-Technical Summary
- BREEAM Pre-Assessment Strategy – Full Planning
- BREEAM Pre-Assessment Strategy – Phase 1c Development
- Energy Statement – Detailed Planning Application (Residential)
- Energy Statement – Outline Planning Application (Residential)
- Energy Statement – Detailed Planning Application (Non-Residential)
- Site Waste Management Plan
- Operational Waste Management Plan
- Sustainability Statement
- Utilities Report
- Flood Risk Assessment
- Addendum to Flood Risk Assessment and Dwg 348762-MMD-XX-00-DR-D-0006
- Design and Access Statement Volume 1 Rev 02
- Design and Access Statement Volume 2: Drawings Rev 02
- Ecology Report – Extended Phase 1 Survey – see ES Vol 2
- Habitats Regulations Assessment

- Ecology Report – Reptile Survey Report
- Transport Assessment
- Car Parking Management Plan Appendix F of the Transport Assessment
- Travel Plan: Residential Appendix L of the Transport Assessment
- Framework Travel Plan Appendix M of the Transport Assessment
- SATURN Modelling Report
- Planning Statement
- Development Framework Specification
- Sporting and Community Benefits Statement
- HUDU Health Impact Assessment – See ES Vol 2 Appendix 5.1
- Affordable Housing Statement
- Arboricultural Report

Plans

Site Plans

- Red Line Application Boundary - SEU-POP-00-ZZ-SI-A0004 Rev 00
- Masterplan Phase 01 - SEU-POP-00-ZZ-SI-A0000 Rev 03
- Masterplan Phase 02 - SEU-POP-00-ZZ-SI-A0001 Rev 03
- Land Ownership - SEU-POP-00-ZZ-SI-A0003 Rev 03
- Phasing Plan - 21174-0302 Rev P-03

Stadium Plans

- L1 Lower Concourse/BOH Level, Phase 01, GA Plan - SUS-POP-00-01-GA-A-0101
- L2 Main Concourse Level, Phase 01, GA Plan - SUS-POP-00-02-GA-A-0103
- L3 Level, Phase 01, GA Plan - SUS-POP-00-03-GA-A-0104
- Roof Level, Phase 01, Ga Plan - SUS-POP-00-RF-GA-A-0106
- L0 Parking & Pitch Level, Phase 02, GA Plan - SUS-POP-00-00-GA-A-0110
- L1 Lower Concourse/BOH Level, Phase 02, GA Plan - SUS-POP-00-01-GA-A-0111
- L1m Mezzanine Concourse Level, Phase 02, GA Plan - SUS-POP-00-M1-GA-A-0112
- L2 Main Concourse Level, Phase 02, GA Plan - SUS-POP-00-02GA-A-0113
- L3 Hospitality Level, Phase 02, GA Plan - SUS-POP-00-03-GA-A-0114
- L4 Meeting/Box Level, Phase 02, GA Plan - SUS-POP-00-04-GA-A-0115
- L5 Hotel/Box Level, Phase 02, GA Plan - SUS-POP-00-05-GA-A-0116
- L6 Hotel Level, Phase 02, GA Plan - SUS-POP-00-06-GA-A-0117
- Stadium Roof Level, Phase 02, GA Plan - SUS-POP-00-RF-GA-A-0118
- North/South, East/West Sections Phase 01 - SUS-POP-ZX-ZZ-SE-A-0200
- North/South, East/West Sections Phase 02 - SUS-POP-ZX-ZZ-SE-A-0201
- East & West Stand Sections - SUS-POP-ZX-ZZ-SE-A-0202
- South & North Stand Sections - SUS-POP-ZX-ZZ-SE-A-0203
- East & West Elevations, Phase 01 - SUS-POP-ZX-ZZ-EE-A-0300
- North & South Elevations, Phase 01 - SUS-POP-ZX-ZZ-EE-A-0301
- East & West Elevations, Phase 02 - SUS-POP-ZX-ZZ-EE-A-0302
- North & South Elevations, Phase 02 - SUS-POP-ZX-ZZ-EE-A-0303
- Bowl Plan Phase 1 - SUS-POP-00-04-GA-A-6000
- Bowl Plan Phase 2 - SUS-POP-00-ZZ-GA-A-6001
- Axonometrics Phase 1 - SUS-POP-00-ZZ-DR-A-0900
- Axonometrics Phase 2 - SUS-POP-ZX-ZZ-DR-A-0901
- Community Dome Pitch Layout Plan - SUA-POP-00-L01-GA-A-0303

Academy Buildings

- Ground Floor Plan, Academy and Community Building - SUA-POP-00-L01-GA-A0100
- Ground Floor and Roof Plan Community Building - SUA-POP-00-XX-GA-A-0101
- L00 & L01 Plan, Academy Building - SUA-POP-00-XX-GA-A-0102
- L02 & L03 Plan, Academy Building - SUA-POP-00-XX-GA-A-0103
- Roof Plan, Academy Building - SUA-POP-00-XX-GA-A-0104
- Sections, Academy and Community Building - SUA-POP-00-XX-SE-A-0200
- Detailed Sections, Academy Building - SUA-POP-00-XX-SE-A-0201
- Detailed Sections, Community Building - SUA-POP-00-XX-SE-A-0202
- Elevations, Academy and Community Building - SUA-POP-00-XX-EE-A-0300
- Detailed Elevations, Community Building - SUA-POP-00-XX-EE-A-0301
- Detailed Elevations, Academy Building - SUA-POP-00-XX-EE-A-0302
- Perspective Views, Academy and Community Building - SUA-POP-00-XX-DR-A-0900 Rev 01

Training Building

- Site Plan Training Centre - STC-POP-00-ZZ-SI-A-0000
- L00 Plan, Training Centre - STC-POP-00-L00-GA-A-0100
- L01 Plan, Training Centre - STC-POP-00-L001GA-A-0101
- Roof Plan, Training Centre - STC-POP-00-RF-GA-A-0102
- Sections A & F, Training Centre - STC-POP-00-XX-SE-A-0200
- Sections J & K, Training Centre - STC-POP-00-XX-SE-A-0201
- Sections 2, 4 & 7, Training Centre - STC-POP-00-XX-SE-A-0202
- Elevations North and South, Training Centre - STC-POP-00-XX-EE-A-0300
- Elevations East and West, Training Centre - STC-POP-00-XX-EE-A-0301
- Detailed Elevations, Training Centre - STC-POP-00-XX-EE-A-0302
- Perspective Views, Training Centre - STC-POP-00-XX-DR-A-0900
- Perspective Views, Training Centre - STC-POP-00-XX-DR-A-0901

Gateway Building Plans and Elevations

- Ground Floor Plan - 2125-00-DR-0001 Rev P03
- First Floor Level - 2125-00-DR-0002 Rev P03
- Second Floor Level - 2125-00-DR-0003 Rev P02
- Third Floor Level - 2125-00-DR-0004 Rev P02
- Fourth Floor Level - 2125-00-DR-0005 Rev P02
- Fifth Floor Level - 2125-00-DR-0006 Rev P02
- Sixth Floor Level - 2125-00-DR-0007 Rev P02
- Roof Level - 2125-00-DR-0008 Rev P02
- East and West Elevations - 2125-00-DR-0605 Rev P02
- South Gateway Building – North and South Elevations - 2125-00-DR-0606 Rev P02
- North Gateway Building – North and South Elevations - 2125-20-DR-0606 Rev P02

Residential Fan Plaza Plans and Elevations

- Floor Plan Lower Carpark - 2095-00-DR-0108 Rev P02
- Floor Plan Upper Carpark - 2095-00-DR-0109 Rev P03
- Floor Plan Floor 00 - 2095-00-DR-0110 Rev P05
- Floor Plan Floor 01 - 2095-00-DR-0111 Rev P02
- Floor Plan Floor 02 - 2095-00-DR-0112 Rev P02
- Floor Plan Floor 03 - 2095-00-DR-0113 Rev P02
- Floor Plan Floor 04 - 2095-00-DR-0114 Rev P04

- Floor Plan Floor 05 - 2095-00-DR-0115 Rev P02
- Floor Plan Floor 06 - 2095-00-DR-0116 Rev P04
- Floor Plan Roof - 2096-00-DR-0117 Rev P02
- Elevation East and West - 2095-00-DR-0601 Rev P02
- Elevation North and South - 2095-00-DR-0602 Rev P02

Residential Stadium Accommodation Plans and Elevations

- Wheelchair Accessible Units - 2059-00-DR-0403 Rev 01
- Floor 00 East Stand - 2059-10-DR-0111 Rev P02
- Floor 04 East Stand - 2059-10-DR-0114 Rev P02
- Floor 05 East Stand - 2059-10-DR-0115 Rev P02
- Floor 06 East Stand - 2059-10-DR-0116 Rev P02
- Floor 07 East Stand - 2059-10-DR-0117 Rev P02
- Floor 08 East Stand - 2059-10-DR-0118 Rev P02
- Floor 09 East Stand - 2059-10-DR-0119 Rev P02
- Floor 10 East Stand - 2059-10-DR-0120 Rev P02
- Floor 00 West Stand - 2059-10-DR-0211 Rev P02
- Floor 04 West Stand - 2059-10-DR-0214 Rev P02
- Floor 05 West Stand - 2059-10-DR-0215 Rev P02
- Floor 06 West Stand - 2059-10-DR-0216 Rev P02
- Floor 07 West Stand - 2059-10-DR-0217 Rev P02
- Floor 08 West Stand - 2059-10-DR-0218 Rev P02
- Floor 09 West Stand - 2059-10-DR-0219 Rev P02
- Floor 10 West Stand - 2059-10-DR-0220 Rev P02
- West Wing North and West Elevation - 2059-10-DR-0400 Rev P02

Landscape Plans

- Illustrative Landscape Masterplan - 1230-1-R001 Rev P3
- Landscape GA 1 of 14 - 1230-1-001 Rev P3
- Landscape GA 2 of 14 - 1230-1-002 Rev P3
- Landscape GA 3 of 14 - 1230-1-003 Rev P3
- Landscape GA 4 of 14 - 1230-1-004 Rev P3
- Landscape GA 5 of 14 - 1230-1-005 Rev P3
- Landscape GA 6 of 14 - 1230-1-006 Rev P3
- Landscape GA 7 of 14 - 1230-1-007 Rev P3
- Landscape GA 8 of 14 - 1230-1-008 Rev P3
- Landscape GA 9 of 14 - 1230-1-009 Rev P3
- Landscape GA 10 of 14 - 1230-1-0010 Rev P3
- Landscape GA 11 of 14 - 1230-1-0011 Rev P3
- Landscape GA 12 of 14 - 1230-1-0012 Rev P3
- Landscape GA 13 of 14 - 1230-1-0013 Rev P3
- Landscape GA 14 of 14 - 1230-1-0014 Rev P3

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

5. Outline Application - Approved Parameter Plans and documents:

Details approved under Condition 12 for each phase of the development hereby approved shall accord with the approved documents and drawings, notably the Development Framework Specification (DFS), Parameter Plans and accompanying notes and Design Code to be prepared in accordance with Condition 15, which set out the maximum parameters for the development as outlined on the following:

Documents

- Planning Application Form and CIL Form
- Development Framework Specification
- New Environmental Statement Rev A Volume 1 – Main Text
- New Environmental Statement Rev A Volume 2 – Figures and Appendices
- New Environmental Statement. Rev A; Non-Technical Summary
- BREEAM Pre-Assessment Strategy – Full Planning
- BREEAM Pre-Assessment Strategy – Phase 1c Development
- Energy Statement – Detailed Planning Application (Residential)
- Energy Statement – Outline Planning Application (Residential)
- Energy Statement – Detailed Planning Application (Non-Residential)
- Site Waste Management Plan
- Operational Waste Management Plan
- Sustainability Statement
- Utilities Report
- Flood Risk Assessment
- Addendum to Flood Risk Assessment and Dwg 348762-MMD-XX-00-DR-D-0006
- Design and Access Statement Volume 1 Rev 02
- Design and Access Statement Volume 2: Drawings Rev 02
- Ecology Report – Extended Phase 1 Survey – see ES Vol 2
- Habitats Regulations Assessment
- Ecology Report – Reptile Survey Report
- Transport Assessment
- Car Parking Management Plan Appendix F of the Transport Assessment
- Travel Plan: Residential Appendix L of the Transport Assessment
- Framework Travel Plan Appendix M of the Transport Assessment
- SATURN Modelling Report
- Planning Statement
- Sporting and Community Benefits Statement
- HUDU Health Impact Assessment – See ES Vol 2 Appendix 5.1
- Affordable Housing Statement
- Arboricultural Report

Plans

Site Plans

- Red Line Application Boundary - SEU-POP-00-ZZ-SI-A0004 Rev 00
- Masterplan Phase 01 - SEU-POP-00-ZZ-SI-A0000 Rev 03
- Masterplan Phase 02 - SEU-POP-00-ZZ-SI-A0001 Rev 03
- Land Ownership - SEU-POP-00-ZZ-SI-A0003 Rev 03
- Phasing Plan - 21174-0302 Rev P-03

Parameter Plans

- Outline Area Boundary of Hybrid Planning Application Location Plan - FOF-LDA-XX-XX-XX-DR-N-ST-0001 Rev 03
- Land Use Parameter Plan - FOF-LDA-XX-XX-XX-DR-N-ST-0002 Rev 04
- Vehicle Access Parameter Plan - FOF-LDA-XX-XX-XX-DR-N-ST-0003 Rev 04
- Pedestrian and Cycle Access Parameter Plan - FOF-LDA-XX-XX-XX-DR-N-ST-0004 Rev 03
- Landscape Parameter Plan - FOF-LDA-XX-XX-XX-DR-N-ST-0005 Rev 03
- Maximum Building Height Parameter Plan - FOF-LDA-XX-XX-XX-DR-N-ST-0006 Rev 03

- Development Envelope Dimensions Parameter Plan - FOF-LDA-XX-XX-XX-DR-N-ST-0007 Rev 04
- Maximum Residential Density – Illustrative Plan - FOF-LDA-XX-XX-XX-DR-N-ST-0102 Rev 03

All Reserved Matters applications will need to confirm compliance with the above documents and plans or in accordance with any minor modification agreed in writing beforehand by the local planning authority.

Reason: To ensure the development is carried out in accordance with the development plan and to ensure compliance with the Environmental Statement.

6. Outline Application - Land Use Table

In line with the submitted Development Framework Specification (PowerHaus Consultancy, May 2021), the maximum floorspaces for the development hereby approved in outline within each of the Use Classes and uses specified in the table below shall not exceed:

Resident Floorspace (Outline Area of Hybrid Application) Phase 1c			
Phase 1c Residential	Up to 1,114 units	GIA	Up to 118,000 sqms
Phase 1c Flexible Floorspace		Class E GIA	Up to 1,609 sqms
		Community Use (Class F1/F2) GIA	Up to 280 sqms

Reason: To define the scope of the permission and to ensure that the proposed development has been adequately tested and mitigation identified within defined limits.

7. Full and Outline Application - Withdrawal of permitted development rights

The uses hereby approved, as identified under Condition 6 and in the locations of plan number FOF-LDA-XX-XX-XX-DR-N-ST-0002 Rev 04 shall only be used for purposes falling within the use classes as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted and shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification, unless or until express planning permission from the Local Planning Authority is provided.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

8. Outline Application - Community use

The development shall include a minimum of 280sqm of Community uses (Use class F1/ F2) and is to be retained in perpetuity. This is to be made available ahead of the occupation of the Phase 1c, as defined on the approved phasing plan (document reference 21174-0302 Rev P-03) unless otherwise agreed as part of the Detailed Development Phasing Programme approved under Condition 12.

Reason: To ensure the development is implemented in accordance with the permission sought and to ensure the community is served adequately by local facilities in accordance with Policies CP6 of the Core Strategy

9. Outline Application - Housing mix

The mix of housing delivered for the residential outline element of the scheme will conform with the housing mix stated within the approved DFS (PowerHaus Consultancy, May 2021) unless a scheme with a revised mix of housing has been previously submitted to the Local Planning Authority and approved in writing under the terms of this condition. In such circumstances the mix of housing delivered shall be in accordance with the approved revised scheme.

Reason: To ensure the development is implemented in accordance with the permission sought and is in accordance with Policy CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

10 Full and Outline Application -Retail Impact Assessment

If a change of use application or separate application for Class E is proposed within the site which would result in an exceedance of 2,500m² of Class E floorspace being provided, a proportional retail impact assessment shall be completed and submitted to the Local Planning Authority for its written approval, such class E floorspace shall not exceed the floorspace approved pursuant to the retail impact assessment.

Reason: To ensure the development is implemented in accordance with the permission sought, to ensure the community is served adequately by local facilities and to ensure the scheme does not unduly impact Southend Town Centre in accordance with Policy CP2 of the Core Strategy (2006).

11 Full and Outline Application - Stadium funding and building contract(s)

No part of any 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:

- (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
- (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.

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.

Reason: To secure the construction, fit out and completion of the Stadium hereby permitted.

PHASING CONDITIONS

12 Full and Outline Application - Detailed Development Phasing Programme

Prior to the commencement of development of any phase, a Detailed Development Phasing Programme (building on the phasing within the approved phasing plan reference (21174-0302 Rev P-03) must be submitted to and approved in writing by the local planning authority. The Detailed Development Phasing Programme shall set out the extent of each proposed phase, how the phase in combination with previous phases complies with the limitations in the Development Framework Specification and Parameter Plans, the delivery of key supporting infrastructure (including community facilities) and procedures for amending the phasing plan if subsequently deemed necessary. Following the approval of the Detailed Development Phasing Programme, each phase shall be completed in accordance with the approved details before the next phase commences.

Reason: To ensure a coordinated development that complies with the National Planning Policy Framework (NPPF) and the requirements of the local development plan alongside ensuring compliance with the Environmental Statement.

13. Full and Outline Application - SUFC Training Ground Replacement Training Centre and Car Parking Delivery

(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 both the old and new facilities together with confirmation that a lease for their use has been entered into with evidence of the same. 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 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. No development may commence until written notice of the discharge of all elements this condition (a), (b) and (c) have been given by or on behalf of the Director of Planning and Head of Planning and Building Control.

(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 conveniently located to the replacement playing pitches and clubhouse 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 part of this condition a report shall be submitted in writing describing the old and new facilities together with confirmation that a lease

for their use has been entered into with evidence of the same. 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 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. 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), (b) and (c) have been given by or on behalf of the Director of Planning and Head of Planning and Building Control.

(c) No development whatsoever can commence on land comprising existing clubhouse until replacement clubhouse facilities of equivalent or better provision conveniently located to the replacement playing pitches and player car parking 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 old and new facilities together with confirmation that a lease for their use has been entered into with evidence of the same. 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 be that in a planning application to Southend on Sea Borough Council. This temporary facility 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 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), (b) and (c) have been given by or on behalf of the Director of Planning and Head of Planning and Building Control.

(d) No Stadium related or 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.

Reason: In order to provide continuity of the training centre facility, car parking facilities and clubhouse facilities provision for SUFC.

14 Full Application - Community Dome

The Community Dome shall be delivered and ready for use no later than 12 months of the Stadium becoming operational for football events.

Reason: To protect the sporting social and cultural function of Southend United Football Club and the amenity of future residents.

DESIGN AND HERITAGE RELATED CONDITIONS

15. Outline Application - Design Code Approval

No applications for approval of the Reserved Matters (other than for enabling works) shall be submitted until a Design Code, has been submitted to and approved in writing by the Local Planning Authority.

The Design Code must accord with the approved Parameter Plans and DFS and must accord with but not be limited to design principles set out within the Design and Access Statement providing a greater articulation of design details. The Design Code must be written in accordance with latest National Design Guidance including the National Model Design code, or any guidance which replaces this.

For the avoidance of doubt, and notwithstanding requirements of other planning conditions herein, the following shall apply to the outline scheme as a whole:

- (i) all homes must meet or exceed the Nationally Described Space Standards (March 2015);
- (ii) all homes must be provided with private amenity space of not less than 5sq.m and not less than 1.5m deep. At ground floor/podium level to include a landscape buffer where appropriate.
- (iii) communal podium landscaped spaces (at a minimum of 1.7ha) must be accessible to all residents within the block they serve;
- (iv) play space provision must include an equipped play space of 400m² and informal provision for an additional 100m²
- (v) 10% of the homes must be delivered to M4 (3) easily wheelchair adaptable standard. The remaining 90% of the homes must be delivered to M4 (2) adaptable standard or any revision or amendment which subsequently replaces these accessibility standards in the future.
- (vi) Public open space provided at not less than 1.48ha, including a 0.75ha linear park
- (vii) Minimum street widths and specifications:
 - (a) Where the ground floor has residential units, a defensible space of no less than 1 metre either side of the street must be provided.
 - (b) Primary Streets: No less than 3 metres pavement both sides of the street which is shared pedestrian and cycle route; No less than 2.5 metre zone on both sides of the street for on-street parking, loading bays, and street trees (excluding the defensible space referenced above)
 - (c) Secondary streets: No less than 2 metres pavement on both sides of the street which is shared pedestrian and cycle route; No less than 2.5 metre zone on one side of the street for on-street parking, loading bays, and street trees (excluding the defensible space referenced above)
- (viii) Residential blocks located adjacent to the Scheduled Monument must not include roof-based plant.
- (ix) Integrated design of Emergency and servicing routes where these routes are within areas of public open space.

Reason: In order to ensure the highest quality redevelopment of the site based on specific design guidelines and to ensure the development meet the needs of future residents, occupiers and uses in accordance with the National Planning

Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

16. Outline Application - Design Code conformity

Applications for approval of the Reserved Matters shall comply with the approved Design Code under Condition 15, unless an alternative solution involving outstanding innovative design is proposed. Each application shall be accompanied by a compliance statement describing how the Reserved Matters designs comply with the approved Design Code or (where relevant) explaining why an alternative solution is proposed. Development thereafter shall be carried out in accordance with the approved details only.

Reason: In order to ensure the highest quality redevelopment of the site based on specific design guidelines and to ensure the development meet the needs of future residents, occupiers and uses in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015)

17. Outline and Full Application - Designing out Crime

With the exception of demolition, site clearance and preliminary works, no development of any Phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of the development hereby approved shall commence above ground level until and unless a scheme showing the principles to be implemented to reduce the risk of crime and fear of crime for that Phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Police. All residential units shall achieve the Secure by Design Silver accreditation (or updated national equivalent) and should target the PCPI 'Secured Environments' accreditation. That part of the development shall not be occupied until and unless the approved scheme for that part of the development has been fully implemented. The approved measures shall be maintained for the lifetime of the development and include consideration of:

- (a) Footpath design and layout of housing in line with Stadium Way;
- (b) Use and design of the Balconies;
- (c) Planting and Landscape design throughout the development;
- (d) Public realm areas especially the Stadium Way;
- (e) Cycle parking provision;
- (f) measures have been proposed to mitigate any potential risk towards women and children;
- (g) Physical Security Measures (i.e. door hardware) and
- (h) Management and Maintenance policies.

Reason: To ensure the creation of a safe and secure environment in accordance with the National Planning Policy Framework, Core strategy Policies KP2 CP4 and CP6 and guidance in the Southend Design and Townscape Guide (2007)

18. Full and Outline Application - Materials submission and approval

Notwithstanding the details shown on the plans submitted and otherwise hereby approved, a phase of the development (as outlined on the Detailed Development Phasing Programme approved under Condition 12) hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until full details and appropriately sized samples of the materials to be used in that phase for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies, stadium temporary cladding, hoarding, floodlights and video screens have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the dwellings or non-residential parts of that phase of the development are first occupied or brought into use.

Reason: To safeguard character and appearance of the area and the visual amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

19 Full and Outline Application - Obscure Glazing

Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to commencement of each phase the development hereby granted consent shall not be first occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented.

The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority. Top hung lights agreed within such scheme shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details for the lifetime of the development.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policy DM1 and advice contained within the Design and Townscape Guide.

20. Full and Outline Application - Privacy screens

Prior to the commencement of each phase of development details on privacy screens and the manner and design in which these are to be implemented for each phase will be submitted and approved by the Local Planning Authority.

The development hereby permitted shall be implemented in full accordance with the details approved under this condition before each phase is first occupied or

brought into use and shall be permanently retained in accordance with the agreed details for the lifetime of the development.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policy DM1 and advice contained within the Design and Townscape Guide.

21. Outline Application - Daylight and Sunlight

Each Reserved Matters Application for a Phase of the Development (as outlined on the Detailed Development Phasing Programme approved under Condition 12) must be accompanied by an assessment of the impact of the development upon:

- (a) the levels of daylight and sunlight at existing and proposed residential properties affected by that Phase of the development; and
- (b) overshadowing of existing and proposed open spaces affected by that Phase of the development.

The assessments must be approved in writing by the Local Planning Authority prior to commencement of each Phase and the development shall be implemented in accordance with the details set out in the approved assessment before it is occupied.

Reason: To protect residents in the development and neighbouring the site from adverse impacts on daylight and sunlight to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

22. Full and Outline Application - Site Levels Details

No development other than demolition and site clearance works shall be undertaken for any phase of the development unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The details supplied shall include information on the levels of all buildings, hard and soft surfaced areas. The development shall be undertaken and completed at the levels shown on the approved drawing before the phase is brought into use.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

23. Full and Outline Application - Roof Apparatus and London Southend Airport Height restriction

The development hereby approved shall not exceed height of 56.46m AOD at any time. This AOD height includes aerials, antenna, apparatus and roof mounted plant appliances of any sort.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

24. Full and Outline Application - Southend Airport Instrument Flight Procedures Compliance

Prior to above ground works within any Phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of the development hereby approved confirmation that the Phase complies with the relevant Instrument Flight Procedures of the Airport Authority shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority. The development shall only be implemented in accordance with the details approved under this condition.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

25. Full and Outline Application - Crane Height

Prior to the commencement of development within any Phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of the development hereby approved and as shown on the approved Phasing Plan 21174-0302 Rev P-03 details of the cranes to be used in the construction of that Phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority. The details shall include the location of cranes and maximum heights in order to allow the Airport Authority to undertake further assessment prior to commencement of development. Thereafter cranes shall only be erected and operated in accordance with the approved details.

If additional cranes are required following commencement of development, or revised crane heights or locations are subsequently sought, the revised details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority prior to the erection or the first operation of the relevant cranes and the cranes shall only be erected or operated in accordance with the revised details.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

26. Full and Outline Application - High pressure sewer easement

For the avoidance of doubt, all areas of built or otherwise inappropriate development shall not be located within the high-pressure sewer easement which crosses the site (as identified on plan SEU-POP-00-ZZ-SI-A0003 Rev 03).

Reason: To ensure development does not adversely impact on the strategic sewer network.

27. Full and Outline Application - Scheduled Monument Management Plan

No development other than demolition and site clearance works shall take place unless and until a Scheduled Monument Management Plan and timetable for implementation has first been submitted and approved in writing by the Local Planning Authority. The Scheduled Monument Management Plan shall be implemented in accordance with the approved details. No built development shall occur within 30m of the Scheduled Monument, within which a landscape buffer shall be implemented.

Reason: To ensure development does not adversely impact on the Schedule Monument in accordance with the National Planning Policy Framework (2021) and Policy DM5 of the Development Management Document (2015).

28. Full and Outline Application - Archaeological Watching brief

No development shall take place, within each phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of the development) unless and until an Archaeological Written Scheme of Investigation for a programme of archaeological work including a programme of archaeological recording and analysis, a watching brief for any works involving vertical or lateral invasion into the existing top or sub soil, details of the measures and mitigation strategy to be taken should any archaeological finds be discovered (including halting development in these areas) has first been submitted to and approved in writing by the Local Planning Authority. The approved Archaeological Written Scheme of investigation/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before that phase of the development is brought into first use.

Reason: To allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021) and Policy DM5 of the Development Management Document (2015).

29. Full Application – Wind

Prior to the commencement of any Phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of the development hereby approved above ground floor slab level, a detailed design of the wind mitigation identified in the Environmental Statement (including but not limited to purposeful locating outdoor seating areas and providing balustrades on balconies and roof terraces of up to 1.5m in height) must be submitted to and approved by the Local Planning Authority. Prior to occupation of that phase, the wind mitigation scheme approved must be implemented in full in accordance with the approved details. Design measures proposed shall be accompanied by further modelling studies to develop and verify the effectiveness of mitigation measures proposed.

Reason: To protect residents in the development and neighbouring the site from adverse impacts caused by wind to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

30. Outline application – Wind

Each Reserved Matters Application for a Phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) must be accompanied by an assessment of the wind/micro-climate affecting that Phase of the development and any adjacent properties that do not form part of the development. The assessments shall identify any necessary mitigation measures (including only locating entrances in areas with suitable conditions) and include a

timetable for implementation. The assessments must be approved in writing by the Local Planning Authority prior to commencement of each Phase and any necessary mitigation must be implemented in accordance with the approved timetable within that document.

Reason: To protect residents in the development and neighbouring the site from adverse impacts caused by wind to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

31. Full Application – Advertisement

Notwithstanding the provisions of Schedule 3 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements or other signage shall be displayed on any external elevation of the stadium development (including inside windows), the stadium roof, or on any of the site boundary enclosures or within the external areas which does not conform to the Signage Strategy approved as a condition of this permission.

Reason: To safeguard character and appearance of the area and the visual amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

32. Full and Outline Application - Signage Strategy

No signage shall be displayed on the site until and unless a signage strategy is submitted and approved by the Local Planning Authority. All subsequent applications for signage on the site must conform with the approved strategy.

Reason: To safeguard character and appearance of the area and the visual amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

33. Full Application - Accessible dwelling – Full

As outlined on the approved drawings in Condition 4, 10% of the dwellings will be built in compliance with the building regulation M4(3) 'Adaptable for wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

CONSTRUCTION RELATED CONDITIONS

34. Full and Outline Application - Construction and Demolition Method Statement

(i) No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy to include

Noise and Dust Mitigation Strategies and a Material Management Plan (including measures for managing materials and minimising waste) has been submitted to, and approved in writing by the local planning authority. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall consider the following requirements:

- The applicant shall ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect;
- No waste materials shall be burnt on the site, instead being removed by licensed waste contractors;
- Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by Regulatory Services. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;
- Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974);
- Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974);
- If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Regulatory Services at Southend-on-Sea Borough Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974;
- All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings; and
- Construction and Demolition shall also be done in accordance with "London Good Practice Guide: Noise & Vibration Control for Demolition and Construction" by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.

Reason: This is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

35. Full and Outline Application - Detailed Construction Logistics Plan

No development of a phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) shall take place, including any works of demolition, until a Construction Logistics Plan (in line with submitted Construction Logistics Plan) for that phase has been submitted to, and approved in writing by the local planning authority. The Construction Logistics Plan shall include details of vehicular routing, parking arrangements and be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. Construction of the relevant Phase shall be

carried out only in accordance with the approved details for the duration of the construction period.

Reason: Reason: In the interest of the residential amenity of nearby occupiers, highway safety and free flow of the traffic network in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

LANDSCAPING, ARBORICULTURAL AND ECOLOGY CONDITIONS

36. Full Application - Public Realm – landscaping, materials and lighting details
With the exception of demolition and site clearance works within the area for which detailed approval is hereby permitted, as defined on drawing SEU-POP-00-ZZ-SI-A0004 Rev 00, no development shall take place within a phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) unless and until full details of both hard and soft landscape works for any Phase of the detailed development as shown on drawings approved in Condition 4 or any revision to this, of this consent for the area for which detailed approval is granted (as defined on Drawing SEU-POP-00-ZZ-SI-A0004 Rev 00), have been submitted to and approved in writing by the Local Planning Authority. These works for each phase shall be carried out as approved. These details must include the following as a minimum for each Phase:

- (i) Details of hard landscaping materials including but not limited to plaza, parking areas, steps, pedestrian routes;
- (ii) Proposed Finished Levels or Contours;
- (iii) Minor artefacts and structures including but not limited to benches, bollards, cycle racks, kiosks, bins, planters and play equipment;
- (iv) Details of Hostile Vehicle Management (HVM) mitigation measures to be designed in dialogue with Essex Police Counter Terrorist Security Advisors (CTSA);
- (v) Details of Trees to be planted (considering the policy position for 2 for 1 replacement planting) and those to be retained; The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting;
- (vi) Timetable for the Completion of the Soft and Hard Landscaping and Planting;
- (vii) Measures to enhance biodiversity;
- (viii) detailed maintenance and management programmes;
- (ix) Evidence of Compatibility of Landscaping Scheme with the Proposed Drainage and Other Site Services;
- (x) Timetable for the Completion of the Hard and Soft Landscaping and Planting.
- (xi) Evidence of Compatibility of Landscaping Scheme with the Proposed Drainage and Other Site Services;
- (xii) Details of external lighting;
- (xiii) Details of green walls, green roofs and brown roofs, car park screening;
- (xiv) Details of any boundary treatment including that within the site and removal of boundaries to Jones Memorial Ground;
- (xv) Details of an appropriately specified acoustic fence between the Domes and the gardens; and
- (xvi) Details of wayfinding signage.

All of the hard landscaped areas and open space for a phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) shall be provided prior to the first occupation or use of any part of the phase of the development they fall within and shall be retained and maintained in perpetuity for the occupants of the development and the wider community. All areas of soft landscaping must be approved prior to occupation and in place within the following (first) planting season as appropriate.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

37 Outline Application - Landscaping Scheme, Phasing Plan and maintenance arrangements

Notwithstanding the details shown on the plans hereby approved no development shall take place, other than ground and site preparation works, unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping for the site.

This shall include full details for each phase of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces, including any earthworks to be carried, all means of enclosing the site and full details of the play equipment, benches and associated facilities proposed. All of the hard landscaped areas and open space for a phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) shall be provided prior to the first occupation or use of any part of the phase of the development they fall within and shall be retained and maintained in perpetuity for the occupants of the development and the wider community. All areas of soft landscaping must be approved prior to occupation and in place within the following (first) planting season as appropriate.

All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

The Landscaping scheme proposed for approval under this condition must be supported by detailed Amenity Space and Management Plan programmes to ensure that the landscape fulfils the original design.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

38. Full and Outline Application - Confirmation of ecology baseline

No development, including ground and site preparation works, shall take place unless and until there has been submitted to and approved in writing by the Local

Planning Authority fully up to date ecological survey work which shall be no more than 18 months in age.

The survey work shall provide a full ecological audit for the baseline conditions of the site and be undertaken in accordance with relevant best practice guidelines and within the optimum periods for survey.

Surveys shall include 'Extended' Phase 1 Habitat Survey; emergence re-entry surveys for bats upon the tree identified as having bat roosting suitability (together with any other trees or buildings identified as having bat roosting potential as a result of the 'Extended' Phase 1 Habitat Survey); bat activity surveys; breeding bird surveys, badger survey, arable weed survey, hedgerow survey, invasive species survey, reptile surveys - including of any identified reptile receptor sites, as well as any other surveys deemed necessary as a result of the 'Extended' Phase 1 Habitat Survey.

The findings of the surveys shall be used to inform the proposed ecological mitigation and enhancement measures to be detailed within a Biodiversity Mitigation and Enhancement Strategy.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

39. Full and Outline Application - Biodiversity Mitigation and Enhancement

No development in a given phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12), including ground and site preparation works, shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a full Biodiversity Mitigation and Enhancement Strategy. The strategy shall:

- (i) Be produced based on the findings of fully up to date survey work which shall be no more than 18 months in age (unless otherwise agreed with the Local Planning Authority);
- (ii) Be written in accordance with BS42020:2013 Biodiversity. Code of Practice for planning and development and Biodiversity Net Gain Good Practice Principals for Development;
- (iii) Provide full details of protection measures to be implemented for retained trees, habitats and faunal species including the timings of works;
- (iv) Provide full details of proposed habitat creation measures to enhance the site for biodiversity, including biodiverse roofs;
- (v) Detail full mitigation measures for faunal species including, but not limited to, bats, birds and reptiles. This shall include details and timings of any Natural England licences; translocation strategies including identification and details of a suitable reptile receptor site; Methods Statements; and the requirement for Ecological Clerks of works;
- (vi) Detail full enhancement measures to be provided for faunal species including bats, birds and reptiles. This shall include details for the provision of enhanced green infrastructure; numbers, specifications and locations of bird, bat and invertebrate boxes; and proposed enhancement works to the identified reptile receptor site;
- (vii) A review of the lighting strategy including an assessment of lux levels and how the proposed lighting scheme will not impact upon any retained or newly

created habitats and green infrastructure of value to biodiversity including nocturnal species; and

(viii) Prior to the commencement of the given phase of the development a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing.

The measures shall be implemented in accordance with the approved details only.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

40. Full and Outline Application - Habitats Regulation Assessment

The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures of the Habitats Regulation Assessment (WIE18031-100-R-3-1-2-HRA, April 2021) before the relevant phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) is occupied.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021), The Conservation of Habitats and Species Regulations 2017 (as amended) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

41. Full and Outline Application - Biodiversity Net Gain

No development shall take place, including ground and site preparation works, unless and until there has been submitted to and approved in writing by the Local Planning Authority a Biodiversity Net Gain assessment for the site. The assessment shall detail how the provision of at least a 10% net gain in biodiversity, in terms of both habitats and linear habitats, has been achieved. The assessment shall be undertaken using the most recent DEFRA biodiversity metric available at the time. If there is a shortfall in biodiversity net gain on the site itself, equivalent off-site compensation shall be provided in accordance with details previously submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

42. Full and Outline Application - Landscape and Ecological Management Plan

Prior to the commencement of any part of the development, a landscape and ecological management plan (LEMP) shall be submitted to approved in writing by, the local planning authority. The content of the LEMP shall be written in accordance with BS42020:2013 Biodiversity. Code of Practice for planning and development and include the following:

- (i) Description and evaluation of features to be managed.
- (ii) Ecological trends and constraints on site that might influence management.
- (iii) Aims and objectives of management.
- (iv) Appropriate management options for achieving aims and objectives.
- (v) Prescriptions for management actions.
- (vi) Preparation of a work schedule and implementation timetable (including an annual work plan capable of being rolled forward over a five-year period).

- (vii) Details of the body or organization responsible for implementation of the plan.
- (viii) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

43 Full and Outline Application - Tree Protection

No site clearance, preparatory work or development shall take place in each phase until a scheme for the protection of the retained and provided trees (shown on 10616 Tree Constraints Plan and 10616 Tree Data Schedule) (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction – Recommendations and BS 3998: Tree work: Recommendations (or in equivalent British Standards if replaced), for each phase shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be in place and carried out as approved from the commencement of the development for each phase. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

44. Full and Outline Application - Trees – replacement of retained and provided trees

If within a period of 10 (ten) years from the date of planting, any retained and provided tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with Condition 36, within the first planting season or at such time as may be specified in writing by the local planning authority. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development

Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

PARKING AND HIGHWAYS CONDITIONS

45. Full and Outline Application - Site Access

Each phase of the development shall not be first occupied or brought into first use unless and until the relevant parts of the access road needed to support each phase as approved on plans under Conditions 4 and 5 are in place.

Reason: In the interests of highways safety and highways efficiency in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP3 and Development Management Document (2015) Policy DM15 .

46. Full and Outline Application - Detailed Highway works

Prior to the occupation of the full and outline elements of the scheme hereby approved, detailed drawings for the outstanding highways works shall be submitted and approved by the Local Planning Authority. This shall include consideration of the key linkages into the detailed elements already approved and any changes to the scheme as a result of detailed Highways designs and stage 2, 3 and 4 Road safety audits. This shall include:

- (i) Junction upgrades including signalling the roundabouts of Eastern Avenue / Sutton Road and Eastern Avenue / Royal Artillery Way / Hamstel Road similar to Cuckoo Corner roundabout.
- (ii) Provision of a 5m wide shared pedestrian/cycle way on the north side of Eastern Avenue.
- (iii) Widen western footway of Sutton Road between Eastern Avenue and Supporters Way.
- (iv) New mini roundabout located on Fossetts Way.
- (v) New toucan crossing on Fossetts Way.
- (vi) New entrance located off Sutton Road.
- (vii) signalised access junction with pedestrian facilities on Eastern Avenue leading to the site.
- (viii) To provide cycle routes located adjacent to the site and appropriate links to the cycle network.
- (ix) PERS audit works identified to be carried out.
- (x) The operation and design and signal timings at the new access junction, Eastern Avenue / Sutton Road, Eastern Avenue / Royal Artillery Way / Hamstel Road and at Cuckoo Corner roundabout shall need to be agreed at the detailed design stage.
- (xi) A detailed plan of the proposed junction of the car park access with Eastern Avenue is required.
- (xii) To include but not limited to the implementation of any traffic regulation order in line with the Road Traffic Act 1984:
 - (a) Any Permanent, Temporary or Experimental Traffic Regulation Orders
 - (b) Waiting restrictions / parking controls
 - (c) 20mph zones
 - (d) Coach parking / pick up / drop off
 - (e) Bus Stop clearways
 - (f) Loading bays

Prior to the occupation of the full and outline elements of the scheme hereby approved, bus stops on Fossetts Way shall be provided. Prior to the occupation of the Stadium Phase 1 coach stops shall be provided.

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

Reason: In the interests of highways safety and highways efficiency in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP3 and Development Management Document (2015) Policy DM15

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.

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).

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).

48. Full Application - Car Park Management Plan

Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until a car park management plan has been submitted to and approved in writing by the local planning authority.

This must consider:

- (i) Arrangements for the management of parking on non-major event days
- (ii) The accommodation of Emergency service parking provision within the Stadium for 5 vehicles (minimum of three long wheel-based transit vehicles and 2 additional police cars for high-risk fixtures).
- (iii) Linking car parks with the Council's car park management system to ensure overall car parking capacity for the town centre, seafront and Fossetts can be adequately managed.

The car park management plan must be implemented in full accordance with the details approved under this condition before the development is first occupied or

brought into first use and shall be maintained and operated in accordance with the approved plan in perpetuity.

Reason: To ensure that adequate car parking arrangements are provided to serve the development and in the interests of highways efficiency and safety in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP3 and Development Management Document (2015) Policy DM15 in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

49. Outline Application - Car Park Management Plan

Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until a car park management plan for the residential units has been submitted to and approved in writing by the local planning authority.

The car park management plan must be implemented in full accordance with the details approved under this condition before the development is first occupied or brought into first use and shall be maintained and operated in accordance with the approved plan in perpetuity.

Reason: To ensure that adequate car parking arrangements are provided 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).

50. Outline Application - Cecil Jones Memorial Ground Replacement Car Parking Phasing and Delivery

Prior to development commencing on the existing Cecil Jones Memorial Ground car park as shown on Drawing FOF-LDA-XX-XX-XX-DR-N-ST-0003 Rev 04, details of the phasing and delivery of the replacement car parking hereby approved including details of any interim car parking provision (including the location, vehicular access, supporting facilities available and implementation proposals) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The development shall be carried out in accordance with the approved details.

Reason: To secure continuity of use of playing field ancillary car parking provision for existing users during construction.

51. Full and Outline Application - Travel Plan

Prior to the occupation of any phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of development a Travel Plan will be submitted to and approved by the Local Planning Authority.

The approved Travel Plan (based on the submitted Framework Travel Plan (Steer, March 2021) shall be implemented as approved, monitoring and maintenance requirements outlined within that document and the Section 106.

A Travel Strategy Group will be set up to help undertake the monitoring of the site for matchdays and non-matchdays.

At six months of the development opening, travel monitoring surveys shall be carried out by the applicant in order to collect the actual flows of the users of the

site. This shall then be used to provide up to date Travel Plans including updated targets and actions.

The Travel Plan shall be monitored every year during the first 5 years, followed by year 7 and year 10, or after the completion of the final phase, whichever is the latter or as deemed necessary by the Travel Strategy Group. The Travel Plan, including the targets, shall be updated during these reviews with SSBC agreement to include the latest travel survey results for all visitors and staff who access the site.

The document must set out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

The Travel Plan shall include details of the following:

- (i) Travel Packs to be provided, which should be passed down from one occupier to the next.
- (ii) The Travel packs should include free and discounted travel tickets, car club driving hours and a general push towards the use of sustainable modes.
- (iii) Personalised Journey Planning must be provided to the first occupier of each residential unit prior to occupation. This should include, but not be limited to, details of local bus and rail operators, taxi companies, community transport, school transport operators

Reason: To support the targeted mode share in the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

52. Full and Outline Application - Train service negotiation strategy

Prior to the active operation of the Stadium a strategy to secure the provision of suitable train services for Prittlewell Station on Sundays for match days and major events as detailed in the Transport Assessment shall be submitted to and approved in writing by the Council. The Strategy shall be implemented in accordance with terms of the condition before the stadium is first brought into use.

The applicant is to monitor the number of carriages that each train operator provides and to negotiate with the train operators to increase the number of carriages if required to avoid overcrowding. The TA suggests that the Train Operating Companies have been consulted and are willing to provide additional carriages, evidence of this agreement needs to be provided.

Reason: To support the targeted mode share in the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

53. Full Application - Overflow Coach Parking

A scheme for offsite coach parking, in a location to be agreed with the Local Planning Authority, must be submitted, approved and come into operation ahead of the occupation of the Stadium Phase 1 (as outlined on the Detailed Development Phasing Programme approved under Condition 12).

Reason: To support the targeted mode share in the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

54. Outline Application - Creation of Footpath link to Waitrose

Details of a footpath link from the approved outline application area to Waitrose shall be submitted and approved by the Local Planning Authority with the reserved matters application relevant to the phase adjacent to Waitrose. The details shall be implemented as approved.

Reason: To support the targeted mode share in the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

COMMUNITY RELATED CONDITIONS

55. Full Application - Community Soccer Dome Community Use Agreement

No occupation shall commence of the community soccer dome hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The Community Dome agreement shall apply to the artificial grass pitch, changing, toilet and kitchen facilities and car park and include details of pricing policy, hours of community use (covering as a minimum Mondays to Fridays – 08.00 to 22.00 hours; Saturdays – 08.00 to 22.00 hours ; Sundays – 09.00 to 18.00 hours) access by community users, a community use programme, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

56. Full Application - Stadium Community Use Agreement

No occupation shall commence of the Stadium hereby permitted until a community use agreement prepared in consultation with the Local Planning Authority has been submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement shall apply to facilities to be made available for

community use within the Stadium including proposed areas for creative production and the Sensory Room for visual and hearing impairment participants, unless otherwise agreed with the Council, and include details of pricing policy, hours of community use, access by community users, a community use programme, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority considers necessary in order to secure the effective community use of the facilities which may generate an income for Southend United Football Club. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

57. Full Application - SUCET Centre (Fan Plaza Residential ground floor)

The SUCET Centre of 890sqm shall be completed and be made available for use no later than the completion of the Fan Plaza Residential Building and in accordance with the submitted Sporting and Community Benefits Statement, a SUCET centre use agreement (or agreements) shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement shall be provided to the Local Planning Authority and the facility operated in accordance with the approved strategy.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

58. Full Application - Community and SUFC Academy Soccer Dome Artificial Grass Pitch Design Specifications

No development of the artificial grass pitches in the soccer domes hereby approved shall commence until details of the design and layout of the artificial grass pitches including the surface specification, lighting specification and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England and reflecting the Football Association's design guidance and approved drawing SUA[1]POP-00-L01-GA-A-0303 PM1 unless otherwise agreed. The artificial grass pitches shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

59. Full Application - Community Soccer Dome Artificial Grass Pitch Certification

Use of the artificial grass pitch in the community soccer dome shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches; and have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy.

CONTAMINATION AND ASSOCIATED CONDITIONS

60. Full and Outline Application - Land Contamination

A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- Human health,
- Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Groundwaters and surface waters,
- Ecological systems
- Archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

A Tier 1 Risk Assessment (Preliminary Risk Assessment) should be submitted and approved in writing by the local planning authority that develops the initial conceptual site model to establish whether there are any potentially unacceptable risks. The Preliminary Risk Assessment should be prepared in accordance with the EA's LCRM guidance.

The findings of the Preliminary Risk Assessment should be used to inform a Tier 2 Generic Quantitative Risk Assessment. A Tier 3 Detailed quantitative risk assessment should be submitted and approved in writing by the local planning authority if the Tier 2 assessment identifies one or more potential contaminant linkages that need a detailed assessment.

B. Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the remediation measures set out in the

approved Remediation scheme have been implemented in full for the respective phase. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced.

The Verification Report shall be prepared in accordance with Land Contamination Risk Management (LCRM) guidance from the Environment Agency and should demonstrate that the risk has been reduced and the remediation objectives and criteria have been met, show that remediation has been successful and create a final record of the land quality (including any requirement for long-term monitoring).

The verification report shall be submitted to the local planning authority and approved in writing before the dwellings within that phase are first occupied.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

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

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

NOISE AND ODOUR RELATED CONDITIONS

61. Full and Outline application - Dwellings and hotel: Noise mitigation

Prior to construction above ground floor slab level of any proposed dwelling or hotel, a noise Impact assessment must be conducted by a competent person to assess the potential impact of existing commercial, industrial, leisure and licensed premise and transport infrastructure on the proposed dwellings. A report on the impact assessment that will include any necessary mitigation measures required for the proposal must be submitted to the local planning authority for approval. Any agreed mitigation must be installed and maintained thereafter.

For steady state noise internal ambient noise levels shall not exceed:

07:00 to 23:00

- Resting - Living room 35 dB LAeq,16hour
- Dining - Dining room/area 40 dB LAeq,16hour
- Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour 30 dB LAeq,8hour

23:00 to 07:00

- Sleeping / Night-time - Bedroom 35 dB LAeq,16hour

External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 55 dB(A).

No dwelling or hotel room shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority. The requirement for Additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority and implemented in full prior to the first occupation of the relevant phase.

Where it is necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change prediction; and
- Noise from the system will not present an adverse impact on occupants

The approved alternative means of internal thermal regulation shall be maintained thereafter.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

62. Full and Outline Application - Noise from plant and equipment including building services

A Noise impact assessment shall be conducted by a competent person to assess the impact of noise from plant and equipment including extract ventilation and building services from the stadium and its ancillary uses on noise sensitive premises.

Noise from plant and equipment including building services shall be limited to 10 dB(A) below the background noise level as far as is reasonably practicable measured and expressed as a LA90,15minutes at the boundary of the nearest residential property. This shall include penalties for noise characteristics such as tone, intermittency, etc.

Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 at the boundary of the

nearest residential properties. This shall be undertaken by a suitably competent person.

Use of the plant and equipment including building services hereby permitted shall not commence unless and until noise has been suitably mitigated and/or buildings insulated to prevent the breakout of noise in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority.

Prior to the plant and equipment including building services commencing, post completion noise surveys must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority.

Method statements should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority. If the noise levels set out in the Report are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority and implemented in full prior to operation.

All noise mitigation schemes as approved shall be implemented ahead of occupation of the related use and be retained as such thereafter.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

63. Full Application - Noise from Leisure Uses

A noise impact assessment shall be conducted by a competent person to assess the impact of noise from amplified music and public address systems at the stadium and ancillary uses on noise sensitive premises. Suitable methodology and standards shall be used in the noise impact assessment.

Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

Suitable metrics and/or standards shall be used and approved by the local planning authority when assessing noise impact predicted from amplified music and speech at the nearest noise sensitive receptors.

The stadium uses hereby permitted shall not commence unless and until the systems have been designed to prevent the breakout of noise and/or building has been modified to provide sound insulation against internally generated noise in

accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority.

Prior to the use of the Stadium and its ancillary uses for amplified music and speech post-completion noise surveys must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Method statements should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority. If the noise levels set out in the Report are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to an approved in writing by the Local Authority and implemented in full prior to operation.

All noise mitigation schemes as approved shall be implemented ahead of occupation of the Stadium and retained as such thereafter.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

64. Full Application - Noise Management Plans

Prior to the commencement of the Stadium and its ancillary uses detailed noise management plans that will aim to protect existing residential premises and the Garden of Remembrance/Crematorium shall be submitted. The noise management plans shall include:

- How customer noise and behaviour is managed on and off the premises as far as is reasonably practicable
- Management of staff noise and behaviour including at the opening and closing of the premises
- Details as to how deliveries are taken
- Details as to how waste is disposed of and stored
- Customer complaints are responded to and logged
- Essential maintenance is carried out

Once approved, the development shall be conducted in accordance with the approved details only.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

65. Full and Outline Application - Noise Artificial Pitches and Multi-Use Games Areas

A scheme shall be submitted for approval in writing to demonstrate how noise resulting from the use of the Community and Academy dome shall be mitigated to protect nearby residential properties and the Garden of Remembrance/Crematorium, including details on the acoustic barrier along the boundary with the Gardens of Remembrance. This shall be prepared by an acoustically competent person and include mitigation of noise impacts from:

- Voices from users
- Whistles used by referees
- Rebound of balls against hard surfaces
- Crowd noise

There shall be no amplified speech or music used in the areas.

The assessment should reference guidance provided in Sports England's 'Artificial Grass Pitches Acoustics Planning Implications Guide'.

Prior to the use of the Artificial pitches and MUGAs (as identified on plans approved under Conditions 4 and 5) post-completion noise surveys must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Method statements should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority, and implemented in accordance with approved details before being brought into use. If the noise levels set out in the Report are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority and implemented in accordance with the approved details in full prior to operation and maintained in perpetuity thereafter.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

66. Full and Outline Application - Noise from Gyms

Prior to commencement above ground floor slab level for any building containing a gym a noise impact assessment including representative background noise monitoring must be carried out and a mitigation scheme evaluated and designed by a competent person for the following:

- Plant Noise - must be designed to be 10 dB below the representative background noise levels (LA90) over the time periods that the applicant wishes to operate
- Music –amplified sound systems should be able to limit the 31.5 Hz and 63 Hz octave band and or have appropriate sound insulation to (such as "box-in-box" Studio construction) to prevent the breakout of these frequencies.

- Weights - Noise and vibration impact from the dropping of free weights, kettleweights, cable station weights and weight machines etc

Prior to the use of any gym post-completion noise surveys must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Method statements should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority, and implemented in accordance with the approved details before the gymnasium is brought into use. If the noise levels set out in the Report are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate

noise levels can be met), shall be submitted to an approved in writing by the Local Authority, implemented in accordance with the approved details in full prior to operation and maintained thereafter in perpetuity.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

67. Full and Outline Application - Ventilation and Extraction

Prior to the first use/occupation of the development hereby approved, full details of all equipment to be installed for heating and ventilation of the building the extraction and control of fumes and odours, including details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The scheme shall also be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The use hereby permitted shall not take place other than in accordance with these approved details.

Noise from ventilation and extraction shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15minutes at the boundary of the nearest residential property. This shall include penalties for noise characteristics such as tone, intermittency, etc.

Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

Prior to operation post completion noise surveys must be undertaken by a suitably qualified acoustic person, and a report submitted to and approved in writing by the Local Planning Authority. Method statements should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority. If the noise levels set out in the Report are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to an approved in writing by the Local Authority and implemented in accordance with the approved details in full prior to operation.

All noise mitigation schemes as approved shall be retained as such thereafter.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

LIGHTING CONDITIONS

68. Full Application - Stadium Illumination

Prior to the first use of the Stadium details of all external illumination of the stadium including flood lighting, and other lighting ancillary to the stadium including the luminance and spread of light and the design and specification of the light fittings shall be submitted by a suitably competent person to and approved in writing by the local planning authority, having due regard to the informatives attached to the permission.

All illumination shall be designed and implemented in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and/or any current authoritative guidance or standards. All illumination within the site shall be provided and retained in accordance with the approved details only. There shall be no other lighting of the external areas of the site.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

69. Full and Outline Application - External Illumination

Prior to the first use/occupation of a phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of the development, hereby approved, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted by a suitably competent person to and approved in writing by the local planning authority, having due regard to the informatives attached to the permission.

All illumination shall be designed and implemented in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and/or any current authoritative guidance or standards. All illumination within the site shall be provided and retained only in accordance with the approved details. There shall be no other lighting of the external areas of the site.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

SUSTAINABILITY CONDITIONS

70. Full Application - Renewable Energy Scheme

Prior to construction above ground floor slab level of a phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of the development hereby approved a scheme, in line with the submitted energy strategy (Energy Statement – Detailed Planning Application (Residential), Energy Statement – Outline Planning Application (Residential) and Energy Statement – Detailed Planning Application (Non-Residential), Mott Macdonald, November 2020) detailing how at least 10% of the total energy needs of the development will

be supplied using on site renewable sources (supplemented by an additional 5% increase in PV area) must be submitted to and agreed in writing by the Local Planning Authority. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition.

This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

71. Full and Outline Application - Overheating Assessment

To ensure thermal comfort, an analysis of the overheating risk shall be undertaken for the residential elements of any phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of the proposed development, using dynamic thermal modelling in line with the guidance and data sets in CIBSE TM59", for all residential developments ahead of construction of the respective building. Any required mitigation will need to be implemented in accordance with the approved details ahead of occupation of that phase.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

72. Outline Application - Outline energy strategy Scheme

Any application for Reserved Matters for any Phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) must be accompanied by a specific Energy Strategy, for approval under the Reserved Matters Applications for that Phase that accords with the terms and objectives of the Energy Strategy (add ref post resubmission) demonstrating how at least 10% of the total energy needs of that Phase is to be supplied using on site renewable sources(supplemented by an additional 5% increase in PV area).

Where relevant, the specific Energy Strategy shall include details of all technologies which may impact the assessed air quality impact and confirm adequate testing has been conducted. Should additional air quality impacts be identified then appropriate mitigation measures should be identified, approved and implemented in accordance with the approved details ahead of occupation of that phase of the development.

The specific Energy Strategy approved under that Reserved Matters submission shall be implemented in full prior to the first occupation of the building(s) to which it relates. The associated infrastructure shall be maintained and made available for use for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

73. Full and Outline Application - Water efficiency design measures

All residential buildings must comply to the limit of internal water consumption of 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water

recycling systems such as grey water and rainwater harvesting. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition and shall be retained as such in perpetuity.

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

74. Outline Application - BREEAM registration

No part of the non-residential development hereby approved shall take place above ground floor slab level until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve Very Good BREEAM level.

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

75. Full and Outline Application - Non-residential BREEAM certification

No part of any non-residential building hereby approved shall be first occupied unless and until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating "Very Good" has been achieved for that building.

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

OPERATIONAL CONDITIONS

76. Full Application - Stadium Management Plan

No part of the Development shall be occupied (save for the purposes of constructing the Development in accordance with this permission) unless and until the Stadium Management Plan has been submitted to the Local Planning Authority and approved in writing. The stadium management plan shall comprise the following items:

- (i) Stadium Operations Plan (approved by Stadium safety Advisory Group including Essex Police); and
- (ii) Details of the Stadium Transport Liaison Group to be established.

The Stadium Management Plan (in combination with the Major Event Day Management Plan under condition 80) should also detail the management and access arrangements for the areas of public realm on non-match/event days.

Thereafter the Development shall be operated and managed in accordance with the approved Stadium Management Plan that shall be reviewed after the first and second years of operation, and any subsequent revision of it as approved.

Reason: In the interests of crowd safety, highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

77. Full Application - Major Event Day Management Plan

No part of the Development shall be occupied (save for the purposes of constructing the Development in accordance with this permission) unless and until the Major Event Day Management Plan (applicable for all football matches and all events of over 1,000 spectators) has been submitted to the Local Planning Authority and approved in writing, as well as approved by blue light services. The major event day management plan shall comprise the following items:

(i) Major Event Day Travel Strategy, including:

(a) The use of the Match-day Mobile application

(b) A Gating Strategy (including all temporary and permanent barrier measures for Stadium crowd control, implementation of restrictions to vehicle access to stadium parking to manage traffic flow, emergency vehicles and parking, counter terrorism, taxis, visiting buses, pedestrian access, including phase 1 of the Stadium interim measures)

(c) Jones Memorial Recreation Grounds crowd management and litter picking

(d) The provision of shuttle buses to transport people from and to the key train stations (as a minimum serving Southend Central Station, the Travel Centre and the Stadium running every 15 minutes for 2 hours before a major event and every 15 mins for 2 hours after a major event).

(e) Bus service enhancements with buses every 20 minutes during the 2 hours before a match/event and to every 20 minutes until 2 hours after a match/event. During the match/event the bus service can go back to the 30 minutes headway.

(ii) Framework Major Event Management Plan (As a proforma for each event held) This should include, as a minimum, an approach to agreeing suitable dates, an overview of pedestrian movement; hours of operation; details of notice to working group; and other relevant matters raised by blue light services;

(iii) Local area Management Plan (and associated monitoring/ supported in the Section 106) to deal with public safety, crime preventions, management of the residential environment within the development and local transport management issues. This will sit behind the Major Event Day Management Plan.

(iv) Details of Major Event Day Travel Plans

(v) Major Event Day Car Park Management Plan, should include the following:

(a) Arrangements for the management of parking on major event days, including a pre-booking system for parking spaces at the stadium which will only be accessible for spectators who have booked their parking spaces;

(b) Arrangements for Controlled Parking Zone (CPZ)

(c) Arrangements for off-street parking;

(d) Arrangements with the adjoining retail park businesses to agree, fund and maintain a system to prevent overflow parking for major event days;

(e) Arrangements for off-site match day and event parking for a minimum of 661 parking spaces to be provided at the applicant's own cost within a 2 mile radius of the site. Evidence that agreements have been entered into to secure this parking to be provided to the Council for approval in writing prior to first occupation of the Stadium, Phase 1A.

(f) Provision of major events Marshalls to monitor and control parking, to ensure crowd control, to manage the gating strategy and to deal with coach parking in the vicinity of the Fossetts Way south bus stop;

The Major Event Day Management Plan should also detail the management and access arrangements for the areas of public realm on match/event days.

Thereafter the Development shall be operated and managed in accordance with the approved Major Event Day Management Plan that shall be reviewed after the first and second year of operation and any subsequent revision of it as approved thereafter.

Reason: In the interests of crowd safety, highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

78. Full Application - Delivery and Servicing Hours

Deliveries to and collections from commercial premises on the site shall only be undertaken between 0700 hours and 1900 hours on weekdays and between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interests of highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

79. Full Application - Limits on football matches and non-football major events

No more than forty (40 no.) professional or semi-professional Football matches may be conducted per annum. In addition, no more than three (3) no. non-football related major events (defined as those exceeding 1,000 spectators) may be conducted per annum unless otherwise agreed by the Council.

The occurrence of major events will not be permitted during Crematorium and Chapel hours (weekdays 9:40 to 4:00 pm), unless otherwise agreed with the Council

Reason: in the interests of amenity in accordance with the National Planning Policy Framework (2021).

80. Full Application - Spectator limit

The maximum capacity of the stadium shall not exceed 21,000 spectators for the completed stadium including 13,893 spectators for the approved phase 1 (as outlined on the Detailed Development Phasing Programme approved under Condition 12). For the avoidance of any doubt, this shall also apply to non-football related events.

Reason: The application has been assessed based on this capacity as this was the figure submitted in the planning application and the Local Planning Authority would need to consider the acceptability of any increase should safe standing be permitted in future.

81. Outline Application - Commercial use hours of operation, delivery and servicing

Each Reserved Matters application, pursuant to the outline planning application hereby approved, which includes Use Class E floorspace shall be accompanied by details of the proposed hours of operation of the said use(s) including hours of delivery. The details shall be submitted to and approved in writing by the Local Planning Authority before the operation is brought into use. The use(s) shall be operated only in accordance with the approved details.

Reason: In the interests of highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

WASTE MANAGEMENT CONDITIONS

82. Full and Outline Application - Refuse and Recycling

Prior to the first use of any building for the purposes hereby approved a scheme for the means of refuse and recycling storage including details of any bin stores shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation or use of the development and retained for such purposes at all times thereafter. This shall also be in accordance with the Essex County Council and Southend-on-Sea Borough Council Waste Management Plan.

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

83. Full and Outline Application - Waste Management

Prior to first use of any building a site waste management strategy in accordance with the Essex County Council and Southend-on-Sea Borough Council Waste Management Plan including mitigation methods to control noise and odour from the waste storage and collection arrangements and pest control measures, shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation or use of the development and retained for such purposes at all times thereafter.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

CCTV CONDITIONS

84. Full and Outline Application - CCTV details

No phase of the development shall be occupied until details of the CCTV installed in the development hereby approved for that phase have previously been submitted to and approved in writing by the local planning authority in liaison with

Essex Police. CCTV shall be installed and retained in accordance with the approved details. No events shall be held within the stadium unless and until the approved CCTV is installed and operational.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

AIR QUALITY CONDITION

85. Full and Outline Application - Car Park Ventilation

Prior to the commencement of the development, other than for demolition and site preparation works, details of the car park ventilation strategy including details of the locations of the ventilation outlets, shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved details ahead of the occupation of the phase of development (as outlined in the Detailed Development Phasing Programme approved under Condition 12) they serve.

Reason: To protect the amenities of the occupiers in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

86. Outline Application - Phase specific Foul/ potable water connections

Within each Reserved Matters Applications, a foul drainage strategy to serve that Phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12) of the development shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall include:

- (a) A programme for implementation;
- (b) Details of future maintenance and management of the proposed foul drainage system; and
- (c) Evidence of agreement with the Statutory Provider

No Phase shall be commenced until details of the foul water drainage to serve that Phase has been submitted to and approved in writing by the Local Planning Authority. The details shall comply with the approved foul drainage strategy. The approved details shall be implemented before the first occupation of the Phase concerned and be retained and maintained for the lifetime of the development thereafter.

Reason: To ensure that the development is satisfactorily serviced.

FLOOD AND DRAINAGE CONDITIONS

87. Full and Outline Application - Drainage strategy

Prior to commencement of development within any Phase (as outlined on the Detailed Development Phasing Programme approved under Condition 12), detailed design of a surface water drainage scheme incorporating the following measures for that Phase shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved

scheme for that Phase shall be carried out in full before that Phase is brought into use.

The Scheme shall address the following matters:

- (a) Provide evidence of infiltration tests in accordance with BRE365 and if infiltration is found to be viable provide information in relation to the potential for ground instability or deterioration in groundwater quality because of infiltration.
- (b) Include graphical information such as plans to show the blockage, conveyance and exceedance routes.
- (c) Confirm the proposed water quality and water treatment details in line with the requirements set out in the CIRIA guide.
- (d) Produce detailed hydraulic calculations/models to determine the peak runoff rates and demonstrate compliance with DEFRA 2015 requirements.
- (e) Provide updated drainage layout plan for each Phase indicating the dimensions, storage volumes, pipe sizes and gradients, manhole cover and invert levels, proposed discharged rates, flow controls and final discharge connection in accordance with the submitted calculations. Updated engineering plans shall be provided for each of the Sustainable Urban Drainage Systems (SuDS) and critical drainage elements, including the flow control features.
- (f) Provide calculations for the entire SuDS system, including the pipe network, for the 1 in 1 year, the 1 in 30-year event, the 1 in 100-year event and the 1 in 100 year plus 40% climate change event.
- (g) Provide information on the management of health and safety risks in relation to feature design.
- (h) Provide a system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long-term economic viability.
- (i) Provide confirmation of the party or parties responsible for maintenance of the SuDS system.
- (j) Provide a method statement for the management of surface water runoff arising during the construction.
- (k) Provide evidence of consent from Anglian Water to discharge at the proposed discharge rate and location(s).
- (l) Provide evidence of approval to discharge into the unnamed watercourse to the north of the site from Essex County Council (Section 23 of Land Drainage Act 1991).
- (m) Present a process for information delivery and community engagement to relevant stakeholders.
- (n) Provide information with regards to the proposed surface areas of the specified systems (i.e. blue roofs, green roofs etc) to allow for comparison with the details specified in the FRA Addendum 2020.
- (o) Provide further details and drawings to demonstrate how the proposed storage systems achieve the attenuation volume specified in the 'Drainage Strategy'. This should be in the form of calculations, drawings and cross-sections.
- (p) Provide further details on the unnamed watercourse in which the surface water will be discharged. Ownership of the watercourse should be confirmed along with relevant drawings and details to give a better understanding of how the water will be discharged.
- (q) Provide details of any impacts on groundwater arising from the scheme.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and KP3.

BINDING SECTION 106 AGREEMENT

88. Full and Outline Application - Binding S106 Agreement

No development shall commence on any part of the site as shown on drawings as approved under Conditions 4 and 5 or any subsequent/amended version approved in writing by the Local Planning Authority until all interests within the site are bound by either: (1) a Section 106 Agreement containing the same planning obligations to those secured in the Section 106 Agreement which accompanies this permission; or (2) a confirmatory deed confirming that the land is bound by the Section 106 Agreement which accompanies this permission] to the written satisfaction of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

Construction and Demolition Method Statement

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Stockpiling and Reuse of Materials:

- Soils for storage must be classified before the waste is moved, stockpiled, reused and disposed (hereafter referred to as 'stockpiling') of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, RM, SEPA, NIEA, 2018) (or 'WM3').
- Representative samples of soils must be undertaken in accordance with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.
- Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency.

Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Southend-on-Sea Borough Council.

Land Contamination This shall be conducted by a competent person and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Land Contamination Risk Management (LCRM) guidance from the Environment Agency.

Used Water Network/ Anglian Water

(1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Environmental Health

(1) Construction outside of normal hours - If construction works are to be considered outside of normal hours especially overnight it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

(2) Change of Use Class E - Should the use hereby permitted change fully, or part, to Class E paragraphs: (b) sale of food and drink for consumption (mostly) on the premises or (d) indoor sport, recreation or fitness, not involving motorised vehicles

or firearms, principally to visiting members of the public, there is a risk of harm to human receptors within existing residential and commercial premises. This is particularly due to the likely required operation outside of normal working hours and over seven days. These risks include:

- Noise from shopfitting and alterations to the premises
- Noise and vibration from the dropping of free or machine weights and medicine balls
- Noise from amplified music played in the premises
- Noise from extract ventilation systems and air conditioning condenser units
- Noise from customer voices internally and leaving and entering the premises
- Odour from extract ventilations systems
- Artificial light from signage

Whilst planning permission is not required for a change of use to or within Class E Southend-on-Sea Borough Council has a duty to investigate and enforce statutory nuisances under section 80 of the Environmental Protection Act 1990 if the council has established that a nuisance exists or is likely to occur.

Therefore, where an activity that falls under these paragraphs is proposed it is strongly recommended that an impact assessment of the proposed use is conducted by competent persons. Where likely impacts are established mitigation measures must be evaluated and installed to prevent a statutory nuisance from occurring using the best practicable means to do so.

Please note that extensions to the building and installation of extract ventilation systems and other building services are likely to require planning permission. Please contact the local planning authority for advice.

Sport Facilities / Sport England

(1) Community and SUFC Academy Soccer Dome Artificial Grass Pitch Design Specifications - The applicant is advised that the design and layout of the artificial grass pitches should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to the Football Association's Guide to 3G Football Turf Pitches Design Principles and Layouts <http://www.thefa.com/get-involved/player/facility-development-and-technical-guidance>.

(2) Community Soccer Dome Artificial Grass Pitch Certification - The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

London Southend Airport

(1) 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.

CIL liability

Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Further information about CIL 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).

Essex Police

Regular dialogue with Essex Police is expected through the discharge of the above conditions and ongoing design and operation of the scheme in accordance with the letter received from the Strategic Designing Out Crime Manager dated 16th June 2021

(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 of the Committee Report. 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).

413 19/01985/FULM - Roots Hall Stadium, Victoria Avenue, Southend-on-Sea, Essex, SS2 6EL (Prittlewell Ward)

Proposal: Demolish existing stadium and buildings, phased erection of 9 buildings between 2 and 8 storeys comprising of 502 residential units (Use Class C3), lay out associated car and cycle parking, amenity space, landscaping and highways works to form vehicular access from Fairfax Drive, Roots Hall Avenue and Shakespeare Drive and pedestrian/cycle access only from Victoria Avenue

Applicant: Southend United Football Club and Roots Hall Limited

Agent: Ms Mary Power, PowerHaus Consultancy

Resolved:-

(a) That the Director of Planning or Head of Planning and Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to conditions and following the completion of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) by the Council which secures a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) to be entered into to secure the provision of:

- Affordable Housing

Unit Type	Private	Affordable	Total Amount
1 bed	88	46	134
2 bed	111	47	158
3 bed	111	36	147
4 bed	40	13	53
Houses/Duplex 3/ 4 bed	0	10	10
Total	350	152	502

- All Affordable housing units to be provided as affordable rented units, 152 units in total
- A minimum of 30% Affordable Housing to be provided on-site in each phase, until Affordable Housing equivalent to 30% of the Development as a whole has been provided
- Nominations of Affordable Housing Units (as applicable)

- Restriction on use of affordable housing units for affordable housing
- Council's standard provision for charges of affordable housing
- All Housing, including Affordable Housing to meet Nationally Described Space Standards

Secondary Education

- Phased contributions towards Secondary Education provision calculated on a formula basis to be used towards upgrading/refurbishment/extension at Cecil Jones Academy, Southchurch High School or Chase High School
- Payable prior to Commencement of each phase
- In respect of each 2 bed Market Residential Unit:
The multiplier of 0.03 multiplied by the cost per new pupil place of £18,469 multiplied by the number of 2 bed Market Residential Units to be provided in the relevant phase multiplied by the regional multiplier of 1.02 (Indexed)
- In respect of each 3 bed Market Residential Unit
The multiplier of 0.25 multiplied by the cost per new pupil place of £18,469 multiplied by the number of 3 bed Market Residential Units to be provided in the relevant phase multiplied by the regional multiplier of 1.02 (Indexed)
- In respect of each 4 bed Market Residential Unit
The multiplier of 0.25 multiplied by the cost per new pupil place of £18,469 multiplied by the number of 4 bed Market Residential Units to be provided in the relevant phase multiplied by the regional multiplier of 1.02 (Indexed)

RAMS

- Tariff based contribution in accordance with Essex Coast RAMS SPD adopted by LPA on 30 October 2020, currently £127.30 per dwelling
- Payable prior to Commencement per phase

Highways

- CPZ contribution of £10,000 towards consultation on the introduction of a CPZ and the cost of provision if required, payable before first occupation
- Works to the Fairfax Dr/Victoria Avenue junction, Prittlewell Chase/Fairfax Drive junction to be secured by a Highways Agreement under Section 278 of the Highways Act 1980 as follows:
 - Widening the Fairfax Drive approach to the Victoria Avenue signal junction to provide 2 x 3 metre traffic lanes;
 - Providing markings for the right turn movements from Victoria Avenue to Fairfax Drive and Priory Crescent in accordance with approved detailed designs;
 - Providing two left turn lanes and one right turn lane from Prittlewell Chase on to Fairfax Drive.
 - TRO and appropriate signage to prevent U turns on Fairfax Drive;
 - Or in the event of changes to the baseline situation alternative works with detailed final design and triggers to be agreed, taking into account junction improvement works to be undertaken by the Local Highways Authority pursuant to DfT Levelling up fund submission;
 - TRO and signage for entrance of Shakespeare Drive.
- Scheme to be submitted to and approved in writing by the Council prior to commencement, works in accordance with the Highways Agreement to be practically complete before first occupation.
- The detailed designs (including relevant road safety audits) of all accesses and egresses into the development and designs of surrounding junctions should be agreed with the Council in line with the final road safety audit approved by the Council.

- Highways Agreement to include a supervision fee of maximum of 10%.

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

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.

Amenity Space and Management Plan

- Landscaping Scheme required before commencement of each phase to identify details, ensure legibility, public access and maintenance and how future maintenance will be funded, to secure the benefits of the amenity space identified in the planning application for the lifetime of the development to be submitted to and approved in writing by the Council.
- Management and funding arrangements to be specified.
- Public Space areas to meet specified minimum area requirements
- Open space to be practically complete, inspected and opened to the public in accordance with specified triggers.

Car Club

- Owner to enter into an agreement with a car club operator for a period of 10 years before occupation of any residential units
- Provision of 2 car club vehicles, and a minimum of one year free memberships for the first occupants of each residential unit of the development and five free driving hours for future occupiers at the cost of the Developer for a ten year period (2 car club spaces secured by condition)
- 2 car club vehicles to be available and on site at first occupation of any residential units

Employment and Skills

- 15% local labour for construction phase (reasonable endeavours)
- 20% local labour for end user phase (reasonable endeavours)
- 15% local supply chain (reasonable endeavours)
- Apprenticeships and Traineeships numbers to be determined on a phase by phase approach, based on capital value and number of units. Statement in S106 to commitment to apprenticeships and traineeships.
- Cash contribution to support individuals gaining the SECTA training at the rate of £300 per person, aligning with the traineeship and apprenticeship.
- If targets are not achieved, £1000 for every percentage point missed to be invested in associated skills, employment or business activity.
- Monitoring provisions.

Travel Plan Monitoring Fee

- Travel Plan Monitoring Fee of £3,000 per annum for 5 years from first occupation of a residential unit (Provision of Travel Plan secured by condition)
- Travel Plan Co-Ordinator to be appointed before first occupation of a residential unit for a five-year period.

Travel Packs

- Travel Packs to be approved by the Council and provided to each residential unit prior to first occupation
- Travel Packs must contain, among other things:
 - 4 x travel cards for use on local buses valid for 2 weeks
 - 4 x season tickets for use on c2c or Greater Anglia train lines valid for 1 week.
 - Details of free car club membership valid for 1 year
 - Details of a minimum of 5 car club driving hours for those eligible
 - Details of personalised Journey Planning to be provided to the first occupier of each residential unit prior to occupation

CCTV

- CCTV to be provided, applicant to demonstrate reasonable endeavours to link their CCTV system to the Council's system before occupation of each phase, applicant to be responsible for the costs of connecting

Other Provisions

- Contributions to be subject to Indexation
- Agreement to include appropriate provisions regarding the return of unspent, uncommitted contributions
- Legal fees
- S106 Monitoring fees
- Monitoring provisions
- Phasing
- Provisions for binding Council Land
- Enforcement of details secured by condition for offsite works, including but not limited to:
 - S106: Continuity of Stadium Provision – Condition: Retention of operational stadium until Fossetts Farm is operational
 - S106: Car Club – Condition: Car Parking Provision
 - S106: Travel Plan Monitoring Fee – Condition: Residential Travel Plan
 - S106: Travel Packs – Condition: Residential Travel Plan
 - S106: Enforcement of details secured by condition for offsite works – Condition: Detailed Highways design

(b) That the Director of Planning or Head of Planning and Building Control be DELEGATED to APPROVE the application reference 19/01985/FULM subject to the completion of the agreement securing the SECTION 106 planning agreement referred to above and to the conditions set out below with such detailed minor amendments to the conditions as the Director of Planning or Head of Planning and Building Control may consider to be reasonable and necessary, so long as these changes do not alter the objectives and purposes of the conditions detailed in Appendix 4 of the committee report;

GENERAL CONDITIONS

1. Commencement

The development hereby permitted shall be begun no later than 5 (five) years beginning with the date of this permission.

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

2. Phasing Plan

No development shall take place on site until a phasing plan has been submitted to and approved in writing by the local planning authority. This plan will demonstrate how the amenity of existing neighbours and occupants of early phases of the scheme will be protected in accordance with the Demolition and Construction Management Plan required under Condition 5 and the Construction Logistics Plan required under Condition 6. The development shall be undertaken only in accordance with the phasing plan approved under this condition.

Reason: To ensure a coordinated development that complies with the National Planning Policy Framework (NPPF) and the requirements of the local development plan and to protect residential amenity of existing neighbours and future residents.

3. Retention of operational stadium until Fossetts Farm is operational

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 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;

(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 with planning permission granted by Rochford District Council under reference 17/00436/FUL Land North of Smither's Chase.

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.

Reason: To protect the sporting social and cultural function of Southend United Football Club.

4. Approved Plans and documents

The development for which detailed approval is hereby permitted, shall only be carried out in accordance with the approved plans and documents below:

Documents

- Affordable Housing Statement
- Air Quality Assessment
- Archaeological Desk-Based Assessment
- Consultation Statement
- Daylight, Sunlight and Overshadowing Report
- Design And Access Statement
- Ecology And Biodiversity Assessment/Conservation of Habitats
- Environmental Statement Volume 1
- Environmental Statement Volume 2
- Environmental Statement Volume 3 Appendices
- Environmental Statement: Non-Technical Summary
- Flood Risk and Suds Assessment
- Geotechnical & Hydrogeological Assessment
- Health Impact Assessment
- Historical Analysis, Assessment and Heritage Statement
- Internal Daylight Analysis
- Microclimate Assessment
- Noise Assessment
- Outline Residential Travel Plan
- Outline Car Park Management Plan
- Outline Recycling And Waste Management Strategy
- Outline Construction Logistics Plan
- Shadow HRA
- Sustainability And Energy Strategy
- Townscape Visual Impact Assessment
- Transport Assessment
- Phase 1 Preliminary Risk Assessment
- Planning Statement
- Utilities Statement (See FRA and Appendices)

Plans

SITEWIDE

- Existing Site Plan (1:500) - 2188-00-DR-0001 rev P02
- Existing Site Plan (1:1250) - 2188-00-DR-0002 rev P02
- Demolition Plan (1:1250)- 2188-00-DR-0003-rev P01
- Existing Stadium Elevation - 2188-00-DR-0611 rev P01
- Site Wide - Level 0 - 2188-00-DR-0100 rev P04
- Site Wide - Level 1 - 2188-00-DR-0101 rev P04
- Site Wide - Level 2 - 2188-00-DR-0102 rev P04
- Site Wide - Level 3 - 2188-00-DR-0103 rev P04
- Site Wide - Level 4 - 2188-00-DR-0104 rev P04
- Site Wide - Level 5 - 2188-00-DR-0105 rev P04
- Site Wide - Level 6 - 2188-00-DR-0106 rev P04
- Site Wide - Level 7 - 2188-00-DR-0107 rev P04
- Site Wide - Roof Plan - 2188-00-DR-0120 rev P04
- Site Wide - GA Elevations Sheet 1 - 2188-00-DR-0600 rev P03
- Site Wide - GA Elevations Sheet 2 - 2188-00-DR-0601 rev P02
- Site Wide - GA Elevations Sheet 3 - 2188-00-DR-0602 rev P02

BUILDING A

- Building A - Level 0 - 2188-10-DR-0100 rev P02
- Building A - Level 1 - 2188-10-DR-0101 rev P02
- Building A - Level 2 - 2188-10-DR-0102 rev P02
- Building A - Level 3 - 2188-10-DR-0103 rev P02
- Building A - Level 4 - 2188-10-DR-0104 rev P02
- Building A - Level 5 - 2188-10-DR-0105 rev P02
- Building A - Level 6 - 2188-10-DR-0106 rev P02
- Building A - Level 7 - 2188-10-DR-0107 rev P02
- Building A - Level 8 - 2188-10-DR-0108 rev P02
- Building A - Car Park - 2188-10-DR-0120 rev P02
- Building A - GA Elevations Sheet 1 - 2188-10-DR-0600 rev P03
- Building A - GA Elevations Sheet 2 - 2188-10-DR-0601 rev P03
- Building A - GA Elevations Sheet 3 - 2188-10-DR-0602 rev P02
- Building A - GA Elevations Sheet 4 - 2188-10-DR-0603 rev P03

BUILDING B

- Building B - Level 0-1 - 2188-20-DR-0100 rev P03
- Building B - Level 2-3 - 2188-20-DR-0101 rev P02
- Building B - Level 4-5 - 2188-20-DR-0102 rev P02
- Building B - Level 6-7 - 2188-20-DR-0103 rev P02
- Building B - Roof Plan - 2188-20-DR-0104 rev P02
- Building B - GA Elevations Sheet 1 - 2188-20-DR-0600 rev P03
- Building B - GA Elevations 01 - 2188-20-DR-0601 rev P03

BUILDING C

- Existing Victoria Avenue & Roots Hall Avenue Street Elevations - 2188-30-DR-0610 rev P01
- Building C - Level 0 - 2188-30-DR-0100 rev P04
- Building C - Level 1 - 2188-30-DR-0101 rev P04
- Building C - Level 2 - 2188-30-DR-0102 rev P04
- Building C - Level 3 - 2188-30-DR-0103 rev P04
- Building C - Roof Plan - 2188-30-DR-0104 rev P03
- Building C - GA Elevation Sheet 1 - 2188-30-DR-0600 rev P03

- Building C - GA Elevation Sheet 2 - 2188-30-DR-0601 rev P03
- Building C - GA Elevation Sheet 3 - 2188-30-DR-0602 rev P03

BUILDING D

- Building D Floor Plans - 2188-40-DR-0100 rev P03
- Building D Elevations - 2188-40-DR-0600 rev P03
- Building D Swept Path Analysis - 23258301-STR-HGN-100-DR-D-00501

BUILDING E

- Building E - Level 0-1 - 2188-50-DR-0100 rev P02
- Building E - Level 2-3 - 2188-50-DR-0101 rev P02
- Building E - Level 4-5 - 2188-50-DR-0102 rev P02
- Building E - Level 6-7 - 2188-50-DR-0103 rev P03
- Building E - Roof Plan - 2188-50-DR-0104 rev P02
- Building E - GA Elevations Sheet 1 - 2188-50-DR-0600 rev P02

BUILDING F

- Building F Plans - 2188-60-DR-0100 rev P01
- Building F Elevations - 2188-60-DR-0600 rev P01

DETAILS

- Façade Materials Sheet 01 - 2188-00-DR-0653 rev P01
- Façade Materials Sheet 02 - 2188-00-DR-0653 rev P03

LANDSCAPING

- Landscape Proposals - 1931-TF-00-00-DR-L-1002 – P04
- Landscape Proposals - 1931-TF-00-00-DR-L-1003 – P04
- Landscape Proposals - 1931-TF-00-00-DR-L-1004 – P04
- Planting Schedule and Specification - 1931-TF-00-00-SP-L-1005 – P02

HIGHWAYS

- Proposed Level 2 Layout Site Access - 23258301-STR-HGN-100-DR-D-00306 Rev P3
- Proposed Level 0.5 Cycle Parking - 23258301-STR-HGN-098-DR-D-00106 Rev P1
- Proposed Level 2 Layout Cycle Parking - 23258301-STR-HGN-100-DR-D-00305 Rev P3
- Proposed Level 2 Layout Emergency Access Swept Path Analysis - 23258301-STR-HGN-100-DR-D-00304 Rev P3

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

CONSTRUCTION RELATED CONDITIONS

5. Demolition and Construction Management Plan

(i) Prior to the commencement of the development the applicant shall submit in writing a demolition and construction management plan to the local planning authority for approval. The development shall only be implemented in accordance with the approved demolition and construction management plan. The demolition and construction management plan must include measures to secure or respond to the following requirements:

(a) Traffic Management Plan,

- (b) the control of nuisances, including noise, vibration, and dust, during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - (c) No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
 - (d) During construction the target of 85% of waste leaving the site being diverted from landfill will be set and monitored appropriately.
 - (e) Dust Management details which should make reference to current guidance on the Assessment of Dust from Demolition and Construction – Institute of Air Quality Management or an acceptable equivalent.
 - (f) restricting the duration of noisy activities and locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
 - (g) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
- (ii) Measures to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
- (iii) Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
- (iv) All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings.
- (v) Construction and Demolition shall also be done in accordance with “London Good Practice Guide: Noise & Vibration Control for Demolition and Construction” by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

6. Construction Logistics Plan

Prior to the commencement of a phase of the development a Construction Logistics Plan for that Phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of vehicular routing, parking arrangements and be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. Each phase shall be implemented only in accordance with the approved details for the duration of the construction period.

Reason: Reason: In the interest of the residential amenity of nearby occupiers, highway safety and free flow of the traffic network in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core

Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

DESIGN, LANDSCAPING AND ECOLOGY CONDITIONS

7. Site levels

No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

8. Building materials submission and approval

Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence (save for archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, groundworks and site preparation works), unless and until full details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, including brickwork patterning roof detail, windows (including sections, profiles, coping and reveals), doors, balustrading, fascia and balconies entrances, stair towers gateway features, grilles to car parks and stores, and vehicle barriers have been submitted to and approved in writing by the local planning authority. The permitted development must be carried out in full accordance with the approved details.

Reason: To safeguard character and appearance of the area and the Pritwell conservation area and the visual amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

9. Landscaping scheme, phasing Materials details and management

With the exception of archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, and site clearance works, no development within any Phase of the development hereby approved (as approved under the approved Phasing Plan under Condition 2, shall commence above ground level until and unless full details of both hard and soft landscape works for that phase including enclosed amenity terraces to the front of the blocks facing the public streets and spaces have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details must include the following as a minimum:

- (i) Proposed Finished Levels or Contours
- (ii) Details of materials
- (iii) Minor artefacts and structures including the Garden Square Pavilion.

- (iv) Details of trees proposed and to be retained, ensuring a minimum of 153 trees are provided in accordance with the approved plans.
- (v) Timetable for the Completion of the Hard and Soft Landscaping and Planting
- (vi) Evidence of Compatibility of Landscaping Scheme with the Proposed Drainage and Other Site Services
- (vii) Details of external lighting
- (viii) Details of green roof and brown roofs and how these will be maintained
- (ix) Details of any boundary treatment and means of enclosure to be erected within the site.
- (x) Measures to enhance biodiversity.
- (xi) Lighting
- (xii) Children play areas and equipment.
- (xiii) Details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification, details of measures to enhance biodiversity within the site and details of the management of the site, such as the uncompacting of ground prior to planting, the staking of trees and removal of the stakes once the trees are established.

The soft landscaping/planting within the area subject to approval within any Phase shall thereafter be carried out accordance with the approved timetable for the completion of hard and soft landscaping and planting.

If any trees are removed or found to be dying, severely damaged or diseased within five years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the Local Planning Authority. Management regimes associated with the soft landscaping shall apply in perpetuity.

Each of the buildings hereby approved within a Phase shall be provided with the necessary vehicular access, pedestrian access, drainage, footway and cycle access prior to full occupation, consistent with the approved Plans and in accordance with the approved timetable for completion of the hard and soft landscaping works approved under the terms of this condition.

Reason: In the interests of highway safety and amenity and to protect the character of the area and the Prittlewell Conservation Area in accordance with the National Planning Policy Framework (2021), Policy KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5, DM8 and DM15 of Development Management Document (2015).

10. Landscape Management

Prior to first occupation of any part of any Phase of the development hereby approved details of a Landscape Management Plan for the maintenance and management of the soft and hard landscaping for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan. The Landscape Management Plan for that phase/sub-phase shall include details of how trees within that phase/sub-phase will be maintained during the initial three-year establishment period. The landscaped areas shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan for the lifetime of the development.

Reason: in the interests of amenity in accordance with the National Planning Policy Framework (2021) and Policies KP2, CP3 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

11. Trees – replacement of retained and provided trees

If any retained and provided tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with Condition 9, at such time as may be specified in writing by the local planning authority. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars. If, within a period of 10 (ten) years from the date of planting, a proposed tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

12. Accessible dwelling standards

Notwithstanding the details shown on the drawings submitted and otherwise hereby approved before the development is commenced above ground floor slab level details setting out how 10% of the dwellings shall be built in compliance with the building regulation M4(3) ‘Adaptable for wheelchair user dwellings’ standard and the remaining 90% shall all be built in compliance with the building regulation part M4(2) ‘accessible and adaptable dwellings’ standard shall be submitted to the local planning authority and approved in writing. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the details approved under this condition prior to its first occupation.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

13. Obscure glazing

Notwithstanding the details shown in the plans submitted and otherwise hereby approved, no phase of the development hereby granted consent shall not be first occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented.

The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority. Top hung lights agreed within such scheme shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details for the lifetime of the development.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policy DM1 and advice contained within the Design and Townscape Guide.

14. Privacy Screens

Prior to the commencement of any phase of development details of privacy screens and the manner and design in which these are to be implemented will be submitted and approved by the Local Planning Authority.

The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained in accordance with the agreed details for the lifetime of the development.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policy DM1 and advice contained within the Design and Townscape Guide

15. Designing out crime

With the exception of demolition, site clearance and Preliminary Works, no development shall commence above ground level until and unless a scheme showing the principles to be implemented to reduce the risk of crime and fear of crime for the development in accordance with "secured by design" principles, including but not limited to access control measures from car parks to the residential blocks, design and materials of the Pavilion, design of balconies, roof top gardens and garden boundary treatment and creation of natural surveillance, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Police Designing out Crime Officer. That part of the development shall not be occupied until and unless the approved designing out crime scheme for that part of the development has been fully implemented. The approved measures shall be maintained for the lifetime of the development.

Reason: To ensure the creation of a safe and secure environment in accordance with the National Planning Policy Framework, Core strategy Policies KP2 CP4 and CP6 and guidance in the Southend Design and Townscape Guide (2007)

16. Scheme of Biodiversity Enhancement

The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures of the Habitats Regulation Assessment (Roots HallWIE18031-1-1-2-HRA-AA). No development, including ground and site preparation works, shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a full Biodiversity Mitigation and Enhancement Strategy. The strategy shall:

- (i) Be written in accordance with BS42020:2013 Biodiversity. Code of Practice for planning and development and Biodiversity Net Gain Good Practice Principals for Development;
- (ii) Provide full details of protection measures to be implemented for habitats and faunal species including measures applicable during demolition works and the timings of works such as to avoid bird nesting season;
- (iii) Provide full details of proposed habitat creation measures to enhance the site for biodiversity, including biodiverse roofs;
- (iv) Detail full enhancement measures to be provided for faunal species including bats and birds. This shall include details for the provision of enhanced green infrastructure; numbers, specifications and locations of bird and bat boxes;
- (v) A review of the lighting strategy including an assessment of lux levels and how the proposed lighting scheme will not impact upon any retained or newly created habitats and green infrastructure of value to biodiversity including nocturnal species.

Prior to the commencement of the development a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021), The Conservation of Habitats and Species Regulations 2017 (as amended) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

17. Biodiversity Net Gain

No development shall take place, including ground and site preparation works, unless and until there has been submitted to and approved in writing by the Local Planning Authority a Biodiversity Net Gain assessment for the site. The assessment should detail how the provision of at least a net gain in biodiversity, in terms of both habitats and linear habitats, has been achieved. The assessment should be undertaken using the most recent DEFRA biodiversity metric available at the time. If there is a shortfall in biodiversity net gain on the site itself, off-site compensation shall be provided. It shall be implemented in accordance with the timescales approved in the strategy.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

HIGHWAYS AND PARKING CONDITIONS

18. Car Parking Provision

As outlined on the approved drawings in Condition 4, 502 car parking spaces and two car club spaces with electric vehicle charging points shall be provided and retained in perpetuity for the parking of occupiers and visitors. Accessible car parking spaces shall be provided to serve the wheelchair accessible units.

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).

19. Car Park Management Plan and Electric vehicle charging points

Notwithstanding the details shown on the plans submitted and otherwise hereby approved, with the exception of archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, above ground works of the development hereby permitted shall not be commenced unless and until a car park management plan, including measures to control on street parking, and ensure measure to address highways design and safety as identified within the TA has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition before the development is first occupied or brought into first use and shall be maintained as such in perpetuity.

The development shall not be first occupied or brought into first use unless and until full details of the car (including accessible and Electric Vehicle charging point provision, including 20% of all spaces to be provided with active charging points and the remainder of all spaces served by passive provision), motor cycle, delivery and drop off space, and covered and secured cycle parking (based on drawing reference 2188-10-DR-0120 rev P02, 23258301-STR-HGN-098-DR-D-00106 Rev P1 and 23258301-STR-HGN-100-DR-D-00305 Rev P3) to serve the development hereby approved have been submitted to and approved in writing by the local planning authority.

No building shall be first occupied or brought into first use unless and until the onsite 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.

The Car Park Management Plan should include provision for the long-term review and monitoring of car parking arrangements.

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).

20. Cycle parking and storage – details

The development of above ground works shall not be commenced unless and until full details of the covered and secured cycle parking (based on drawing reference 23258301-STR-HGN-098-DR-D-00106 Rev P1 and 23258301-STR-HGN-100-DR-D-00305 Rev P3), including provision for one space per unit) to serve the development hereby approved have been submitted to and approved in writing by the local planning authority.

No building shall be occupied until the space approved has been laid and made available for each unit for a minimum of one space per unit and that space shall thereafter be kept available for the parking of bicycles.

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

21. Detailed Highways Design

With the exception of archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, and site clearance works, no development within any Phase of the development hereby approved (as approved under the approved Phasing Plan under Condition 2), shall commence until the detailed designs (including relevant road safety audits) of all highways works, accesses and egresses into the development have been submitted to and approved by the Council.

This shall include the following, or in the event of changes to the baseline situation, alternative works:

- (i) CPZ contribution of £10,000 towards consultation on the introduction of a CPZ and the cost of provision if required, payable before first occupation;
- (ii) Works to the Fairfax Dr/Victoria Avenue junction, Prittlewell Chase/Fairfax Drive junction as follows;
 - Widening the Fairfax Drive approach to the Victoria Avenue signal junction to provide 2 x 3 metre traffic lanes;
 - Providing markings for the right turn movements from Victoria Avenue to Fairfax Drive and Priory Crescent in accordance with approved detailed designs;
 - Providing two left turn lanes from Prittlewell Chase onto Fairfax Drive;
 - TRO and appropriate signage to prevent U turns on Fairfax Drive;
 - Or in the event of changes to the baseline situation alternative works with detailed final design and triggers to be agreed, taking into account junction improvement works to be undertaken by the Local Highways Authority pursuant to DfT Levelling up fund submission;
- (iii) TRO and signage for entrance of Shakespeare Drive;
- (iv) The detailed designs (including relevant road safety audits) of all accesses and egresses into the development and designs of surrounding junctions should

be agreed with the Council in line with the final road safety audit approved by the Council;

(v) No vehicular access to Victoria Avenue other than pedestrian, cycle and emergency access with measures such as rising bollards or equivalent to be agreed with the Council;

(vi) Footways to be provided on both sides of the access from Fairfax Drive;

(vii) Highways Agreement to include a supervision fee of maximum of 10%.

The access and egresses shall be carried out in accordance with the approved designs prior to first occupation of the development.

Highways works will be subject to Southend Council's agreement through the detailed design and road safety audit processes. The safety aspects from the RSA1 must be mitigated for in these further stages.

Reason: In the interests of highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

22 Residential Travel Plan

Prior to commencement of above ground works of the development, a Residential Travel Plan shall be prepared based on the principles of the submitted Outline Residential Travel Plan (Steers, December 2020) including measures and incentives to promote an environmentally responsible travel behaviour and shall be submitted to and approved by the Local Planning Authority. The scheme thereafter shall be implemented to the program, monitoring and maintenance requirements outlined within that document.

For the first three years by the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the approved conclusions and recommendations.

The Travel Plan shall include details of the Travel Packs, the car club and the Personalized Journey Planning.

Reason: To support the targeted mode share in the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

23. Delivery and Servicing Plan

Prior to first occupation of any part of any Phase of the development hereby approved details of a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Council. The DSP will be used to manage deliveries to/from the development and, in particular, to discourage servicing trips during peaks

periods on the surrounding highway network. The approved DSP shall be implemented in full prior to the first occupation of any phase.

Reason: In the interests of highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

CONTAMINATION ASSOCIATED CONDITIONS

24. Land Contamination

A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

A Tier 1 Risk Assessment (Preliminary Risk Assessment) should be submitted and approved in writing by the local planning authority that develops the initial conceptual site model to establish whether there are any potentially unacceptable risks. The Preliminary Risk Assessment should be prepared in accordance with the EA's LCRM guidance.

The findings of the Preliminary Risk Assessment should be used to inform a Tier 2 Generic Quantitative Risk Assessment. A Tier 3 Detailed quantitative risk assessment should be submitted and approved in writing by the local planning authority if the Tier 2 assessment identifies one or more potential contaminant linkages that need a detailed assessment.

B. Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site

will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the remediation measures set out in the approved Remediation scheme have been implemented in full. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. The verification report shall be submitted to the local planning authority and approved in writing before the dwellings hereby approved are first occupied.

The Verification Report shall be prepared in accordance with Land Contamination Risk Management (LCRM) guidance from the Environment Agency and should demonstrate that the risk has been reduced and the remediation objectives and criteria have been met, show that remediation has been successful and create a final record of the land quality (including any requirement for long-term monitoring).

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

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

Representative samples of soils must be undertaken in accordance with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.

Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency

Where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements. The applicant should take note that:

Prior to commencement soils for storage must be classified before the waste is moved, stockpiled, reused and disposed (hereafter referred to as 'stockpiling') of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, NRM, SEPA, NIEA, 2018) (or 'WM3').

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

NOISE AND ILLUMINATION RELATED CONDITIONS

25. Noise Insulation of Dwellings – Transport Noise

Prior to the completion above ground floor slab level of the six dwellings fronting Victoria Avenue located in Buildings C1 and C2 details of how the internal and external areas of dwellings are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England will be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details before the dwellings are occupied. The internal ambient noise levels shall not exceed the guideline values in Table 4 of BS8233:2014 namely:

- 07:00 to 23:00
 - Resting - Living room 35 dB LAeq,16hour
 - Dining - Dining room/area 40 dB LAeq,16hour
 - Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour 30 dB LAeq,8hour
- 23:00 to 07:00
 - Sleeping Night-time Bedroom 35 dB LAeq,16hour

- Adequate glazing specification RW39 should be provided in order to mitigate road traffic noise including installation of any ventilation systems necessary to achieve BS 8233:2014 internal noise levels.
- External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 55 dBLAeq,T. The six dwellings fronting Victoria Avenue located in Buildings C1 and C2 are excluded on the basis of good design and meeting amenity requirements.
- Where it is necessary a scheme for approval for alternative means of ventilation is required in writing to demonstrate that:
 - Noise from the system will not present an adverse impact on occupants.
 - The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions

The six dwellings fronting Victoria Avenue located in Buildings C1 and C2 shall not be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures. A method statement shall be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority. If additional noise mitigation measures are required (where necessary to ensure the appropriate noise levels can be met), these shall be submitted to an approved in writing by the Local Authority and implemented in full prior to the first occupation of the six dwellings. The Post Completion report shall assess the performance of any ventilation and cooling/heating system that has been installed to the satisfaction of the local authority. The approved alternative means of ventilation and cooling/heating shall be maintained thereafter.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

26. Noise from Residential Building Services

Prior to first occupation of each building to which it relates in accordance with the Phasing Plan submitted in accordance with Condition 2 a noise impact assessment shall be conducted by a competent person to assess the impact of noise from plant and equipment within the proposed residential buildings on occupiers of dwellings. This shall include noise and vibration from:

- Elevators including service elevators
- Air condition units and condensers
- Automatically opening doors
- Service entrances and barriers

The impact assessment shall include requirements for mitigation measures. The Noise impact Assessment shall be submitted in writing for approval. All mitigation measures must be implemented in accordance with the approved report before the dwellings are occupied and post-installation testing completed and verification sent submitted in writing for approval. The mitigation measures shall be retained and maintained hereafter.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

27. External Illumination

Prior to the first occupation of the development hereby approved, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and Bat Conservation Trust "Guidance Note 8 Bats and Artificial Lighting 2018". All illumination within the site shall be implemented and retained in accordance with the approved details only. There shall be no other lighting of the external areas of the site.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

FLOOD AND DRAINAGE CONDITIONS

28. Detailed design of a surface water drainage scheme

A detailed design of a surface water drainage scheme incorporating the following elements and timescales for implementation shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority before the development is commenced, other than for demolition and site clearance works. The approved scheme shall be implemented in accordance with

the approved timescales and be maintained as such in perpetuity thereafter. The scheme shall address the following matters:

(a) Provide an assessment of suitability for infiltration, accounting for the presence of constraints on infiltration SuDS, drainage potential, and the potential for ground instability or contamination as a result of infiltration. The applicant needs to include evidence that infiltration testing has been undertaken for the site and that they are compliant with BRE365 guidance.

(b) Provide evidence demonstrating that surface water runoff retention on site has been maximised for the 1 in 100 year plus climate change storm event to achieve an overall discharge from the site as close as possible to greenfield runoff rate (QBAR).

(c) Provide detailed drawings of the drainage network showing site layout, discharge locations, types and location of flow control devices, pipe sizes and gradients and all SuDS techniques being used on the site including the proposed water treatment methods. Also including sizing and volume of storage to be provided for all SuDS features on the site, with demonstration of how the network will perform under different flood scenarios.

(d) Provide a plan illustrating the conveyance and exceedance flow routes for storm events exceeding the 1 in 100 year plus 40% allowance for climate change and in the event of system failure to demonstrate how exceedance flow will be managed and mitigated on site without significantly increasing flood risks (both on site and outside the development).

(e) Provide details of embedded mitigation including permeable paving for hard landscaped areas, with a permeable sub-base to provide filtration of surface water runoff, green roofs, Bioretention SuDS and attenuation tanks to reduce surface water runoff rates off the site and raised finished floor levels to prevent the ingress of surface water into the proposed buildings.

(f) Provide a method statement regarding the management of surface water runoff during the construction phase of the project.

(g) Provide evidence of consent from Anglian Water regarding the proposed discharge rate and connection point.

(h) A maintenance plan for the drainage infrastructure to ensure it continues to function as envisaged.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and KP3.

WASTE MANAGEMENT AND UTILITIES CONDITIONS

29. Recycling and Waste Management Plan

Prior to first occupation of the development a Full Recycling and Waste Management Plan shall be submitted to the local planning authority and approved in writing. The submitted plan shall be in accordance with the Applicant's Outline Recycling and Waste Management Strategy (Steers, December 2020) and the Essex County Council and Southend-on-Sea Borough Council Waste Management Plan and include a scheme for temporary storage and recycling, collection and disposing of waste resulting from construction works that does not allow for the burning of waste on site, and mitigation methods to control noise and odour from the waste storage and collection arrangements and pest control measures. The development shall be implemented in accordance with the approved plan from first occupation.

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

SUSTAINABILITY CONDITIONS

30. Water Efficiency design measures

All residential dwellings in each building must comply to the limit of internal water consumption of 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. A building in the scheme shall not be occupied until it has been implemented in accordance with the requirements of this condition and the buildings shall be retained as such in perpetuity.

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

31. Renewable Energy Scheme

Prior to construction of the development hereby approved above ground floor slab level a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition.

This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

32. Energy Conservation Measures

Prior to construction of the development hereby approved above ground floor slab level a scheme detailing how efficiency measures are to be incorporated throughout the proposed development to reduce the overall energy demand, and subsequent CO2 emissions.

The measures shall include but not be limited to passive solar gain through the specification of large openings especially within the living areas; insulation in excess of the Building Regulations Part L1a requirements to further reduce heat loss; Air Pressure testing to be undertaken on all units; thermal bridging to be reduced through the use of Accredited Construction Details (ACDs) to ensure that architectural details retain thermal continuity; lighting to be of a low energy type; the majority of dwellings having openings on a minimum of 2 no. elevations to enable cross ventilation and reduce overheating potential; and mechanical ventilation to be provided in line with Building Regulations Part F requirements to allow adequate purge, trickle and extract ventilation to all necessary spaces.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

LONDON SOUTHEND AIRPORT

33. London Southend Airport Height Restriction

The development hereby approved shall not exceed height of 56.46m AOD at any time. This AOD height includes aerials, antenna, apparatus and roof mounted plant appliances of any sort.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

34. Roof Equipment

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any statutory instrument amending, revoking or replacing that Order, no satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the site or roof of any building within the development hereby approved without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

35. Southend Airport Instrument Flight Procedures Compliance

Prior to above ground works within any Phase or Sub-Phase of the development confirmation that the Phase or Sub-Phase complies with the relevant Instrument Flight Procedures of the Airport Authority shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority. The development shall only be implemented in accordance with the details approved under this condition.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

36. Crane Height

Prior to the commencement of development within any Phase of the development hereby approved details of the cranes to be used in the construction of that Phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority. The details shall include the location of cranes and maximum heights, in order to allow the Airport Authority to undertake further assessment prior to commencement of development. Thereafter cranes shall only be erected and operated in accordance with the approved details.

If additional cranes are required following commencement of development, or revised crane heights or locations are subsequently sought, the revised details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority prior to the erection or first operation of the relevant cranes and the cranes shall only be erected or operated in accordance with the revised details.

All cranes required for construction must be limited to operate no taller than 56.46m AOD unless the Airport Authority has been notified of any cranes proposed to operate over 56.46m AOD and the proposed maximum crane heights and locations have been reviewed and approved by the Local Planning Authority in consultation with the Airport Authority in accordance with the terms of this permission condition.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

OTHER

37. Archaeological Watching Brief

No development shall take place, within each phase of the development unless and until an Archaeological Written Scheme of Investigation for a programme of archaeological work including a programme of archaeological recording and analysis, trial trenching, a watching brief for any works involving vertical or lateral invasion into the existing top or sub soil and details of the measures to be taken should any archaeological finds be discovered has first been submitted to and approved in writing by the Local Planning Authority. The approved Archaeological Written Scheme of investigation/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before that phase of the development is brought into first use.

Reason: To allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021) and Policy DM5 of the Development Management Document (2015).

38. Removal of certain permitted development rights

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

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties, to safeguard the character of the area and in the interests of aviation safety in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and DM4, and the Southend Design and Townscape Guide (2009).

39 Binding S106 Agreement

No development shall commence on any part of the site as shown on the approved drawings in Condition 4, or any subsequent/amended version approved in writing by the Local Planning Authority until all interests within the site are

bound by either: (1) a Section 106 Agreement containing the same planning obligations to those secured in the Section 106 Agreement accompanying this permission; or (2) a confirmatory deed confirming that the land is bound by the Section 106 Agreement accompanying this permission to the written satisfaction of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

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 Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

Construction outside of normal hours

If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If we become aware of any works that are highly likely to cause a nuisance, we can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance is available on the Southend-On-Sea Borough Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

Asbestos

As it is considered likely that the buildings to be demolished contain asbestos a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's duty of care for waste should be implemented with reference the asbestos survey of the buildings.

The Control of Asbestos Regulations 2012 is regulated by the HSE. It is recommended that the applicant and their contractors use competent persons and ensure that any necessary risk assessments and mitigation measures are conducted in accordance with their duty of care and that where necessary properly licensed contractors are used.

Where necessary the Southend-on-Sea Borough Council Building Control Team to also ensure that all works are in accordance with the Building Regulations 2000.

Water

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Southend-on-Sea Borough Council

Highways

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.

A contribution has been secured for a CPZ, subject to the outcome of a consultation exercise led by SSBC, identifying parking issues on nearby streets. If such a scheme were to be introduced in the future, the ability for residents of the development to be eligible for off-site parking permits may be removed.

CIL

Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Further information about CIL 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).

Anglian Water

(1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this

matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Land Contamination

Land contamination works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence other than that required to carry out additional necessary investigation until the measures set out in the approved report have been implemented.

(c) In the event that the agreement referred to in part (a) above has not been completed before 31 January 2022 or an extension of this time as may be agreed by the Director of Planning or 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 (a) above and further detailed in Appendix 3 of the Committee Report. As such, the proposal would be unacceptable and contrary to National Planning Policy Framework (2019) 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) and policies DS5 and PA8 of the Southend Central Area Action Plan (2018).

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 3rd November, 2021

Place: Council Chamber - Civic Suite

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Present: Councillor N Ward (Chair)
Councillors A Dear (Vice-Chair), J Beck, K Buck, D Cowan, M Dent,
N Folkard*, D Garne, D Garston, D Jarvis, A Jones, K Mitchell,
C Mulrone, S Wakefield and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillors H Boyd and P Collins
G Gilbert, K Waters, C Galforg, P Keyes, S Mouratidis, C White,
O Hart, J Rowley, M Warren and T Row

Start/End Time: 2.00 pm - 4.40 pm

436 Apologies for Absence

Apologies for absence were received from Councillors Habermel (substitute: Councillor Folkard), Thompson (substitute: Councillor Wexham) and Wexham (no substitute).

437 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Buck – Application Ref. No. 21/01715/BC3 – Garages, Juniper Road, Leigh on Sea – Non-pecuniary interest: His company is a benefactor to a Southend Homeless Charity; Application Ref. No. 21/01621/FUL – Part of Former Goods Yard at Station Approach, Priory Works, Southend on Sea – Non-pecuniary interest: Assisted residents with the application;

(ii) Councillor Cowan – Application Ref. No. 21/01715/BC3 – Garages, Juniper Road, Leigh on Sea – Non-pecuniary interest: Owns a property in the vicinity;

(iii) Councillor Dent – Application Ref. No. 21/01526/BC3 – Nicholson House, 299 Southchurch Road, Southend on Sea – Non-pecuniary interest: Has received email correspondence from the applicant's agent;

(iv) Councillor Dent – Application Ref. No. 21/01621/FUL – Part of Former Goods Yard at Station Approach, Priory Works, Southend on Sea – Non-pecuniary interest: Has had correspondence with residents regarding the application;

(v) Councillor F Evans – Application Ref. No. 21/01662/FULH – 10 Ashleigh Drive, Leigh on Sea – Non-pecuniary interest: Acquainted with the owner of the property next to the application site;

(vi) Councillor D Garston – Application Ref. No. 21/01314/BC4 – Cliffs Pavilion, Station Road, Southend on Sea – Non-pecuniary interest: Member of the

organisation which oversees Menora at the application site, which was mentioned during the debate;

(vii) Councillor D Garston – Application Ref. No. 21/01621/FUL – Part of Former Goods Yard at Station Approach, Priory Works, Southend on Sea – Non-pecuniary interest: Assisted residents with the application;

(viii) Councillors Jones & Mulroney – Application Ref. No. 21/01314/BC4 – Cliffs Pavilion, Station Road, Southend on Sea and Application Ref. No. 21/01715/BC3 – Garages, Juniper Road, Leigh on Sea – Disqualifying non-pecuniary interests: Cabinet Members (withdrew); and

(ix) Councillor Ward – Application Ref. No. 21/01644/AMDT – The Bellhouse Public House, 321 Rayleigh Road, Eastwood – Non-pecuniary interest: Applicant is known to him.

438 Supplementary Report

The Committee received and noted a supplementary report by the Deputy Chief Executive and Executive Director (Growth and Housing) that provided additional information on the items referred to elsewhere on the Agenda.

439 21/01314/BC4 - Cliffs Pavilion, Station Road, Westcliff on Sea (Milton Ward)

Proposal: Erect single storey side and front extension to form 200 cover restaurant, new entrances and circulation lobby, erect lower ground side extensions, internal alterations including infilling of existing balcony, install canopies to front and side, alter elevations, install AHU plant to roof and digital advertisement displays, install new refuse store and cycle parking and amend on street parking layout to increase parking capacity at Westcliff Parade.

Applicant: HQ Theatres Ltd

Agent: DesignLSM

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of the date of this decision

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 01-00-B, 01-01K, 01-02, 01-03-A, 01-04, 02-01-K, 02-02-J, 02-03-J, 02-04-J, 09-01, 09-02, 09-03, 09-04, 09-05, 09-06, 09-07, 09-08, 09-09, 09-10

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the approved development, including walls, roof, solar shading, windows and doors, entrance canopies and signage, fascia and soffits and plant enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the area including the setting of the adjacent Shorefields Conservation Area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the entrance canopies, feature signage, restaurant terrace including sun shading and any balustrading, roof edge and overhang detailing, green roof and roof plant enclosure, feature rooflights and rainwater drainage solution at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the area, including the setting of the adjacent Shorefields Conservation Area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

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

- i) Means of enclosure, of the site including any alterations to balustrading or boundaries;
- ii) Hard surfacing materials;
- iii) Full details of any associated structures (e.g. benches, planters, lighting etc.);
- iv) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and management plan.
- v) Details of measures to enhance biodiversity within the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or

shrubs of such size and species as may be agreed with the Local Planning Authority

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

06 Prior to the commencement of the development details of tree protection measures, in relation to the row of mature trees in the cliff gardens to the eastern side of the site, shall be submitted to and approved by the Local Planning Authority. The approved tree protection measures shall be implemented in full prior to commencement of the development and be retained throughout construction.

Reason: A pre-commencement condition is required to ensure that the trees on the site are adequately protected during building works in the interests of visual amenity and in accordance with the Core Strategy (2007) policies KP2 and CP4, policy DM1 of the Development Management Document (2015) and advice contained in the Design and Townscape Guide (2009).

07 Before the development hereby permitted is first used, a strategy to provide for 8 re-marked on-street parking spaces within Westcliff Parade, the position of which is identified on drawing No 01-00B, shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall specify the steps and timetable for how formal consideration of the provision of this amended on street parking will be initiated and then progressed in full accordance with the required statutory highway processes operated by the Council as Local Highway Authority including consideration in principle and then, if agreed in principle, any necessary Traffic Regulation Order and its outcomes.

In the event that the statutory Highways process supports the provision of the amended on-street parking spaces these shall then be implemented in accordance with the details so approved prior to first use of the development hereby approved. The spaces shall be maintained and made available for use thereafter for the lifetime of the development.

Reason: A condition is required in the interests of highways management, the character of the area and safety in accordance with Core Strategy (2007) policies KP2, CP3 and CP4 and Development Management Document (2015) policies DM1, DM3 and DM15 and the advice contained within the Southend Design and Townscape Guide (2009).

08 The restaurant development hereby approved shall not be operated until and unless full details of the refuse and recycling store and the secure, covered staff cycle parking (at least 6 spaces) and visitor cycle parking (at least 6 spaces) to serve the restaurant development have been previously submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to first occupation of the development and shall be retained for the lifetime of the development.

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

09 Prior to the first operation of the new restaurant hereby approved a waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such for the lifetime of the development.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the adjacent Shorefields Conservation Area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM5 and DM15 of the Development Management Document (2015).

10 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full accordance with the approved details prior to the first occupation of the development hereby approved. This provision shall be made for the lifetime of the development.

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

11 Noise from plant and equipment associated with the development hereby approved, including extract ventilation, shall be limited to 10 dB(A) below the background noise level which is measured and expressed as a LA90,15minutes from the boundary of the nearest residential property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, etc.

Prior to the first operation of the development hereby approved a post completion noise survey in relation to the restaurant roof top plant must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority.

Background noise levels shall be undertaken by a suitably competent person and shall be established for the following periods in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

Where the proposed or actual plant and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels then the submitted report shall include a scheme of mitigation to address this issue and bring it within the identified limits. Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the Local Planning Authority. Heating and ventilation shall be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems and installed by a competent person. Prior to the operation of the restaurant hereby approved the agreed scheme shall be implemented by a competent person and maintained as such in perpetuity thereafter. The use hereby permitted shall not take place other than in accordance with these approved details.

12 The restaurant use hereby permitted shall not be open to customers outside the following times: 09:00 hours until 23:00 hours on Monday to Sundays including Bank Holidays.

Reason: In order to protect the amenities of occupiers of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13 The restaurant terrace area hereby approved shall not be used by customers for any purposes from 22:00 hours until the close of business on all days. Additionally, all doors accessing the terrace shall be closed, except temporarily for access and egress, from 22:00 to 09:00 on all days.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document (2015).

14 No deliveries or refuse collection shall be taken at or despatched from the restaurant use hereby permitted outside the hours of 07:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect residential amenities in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

15 Prior to the first operation of the restaurant development hereby approved, details of all external illumination [including floodlighting and digital displays] of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light". All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site. The digital displays shall only be used to advertise forthcoming events at the venue and shall not be used for any kind of general advertising at any time.

Reason: To safeguard the visual amenities of the area including the adjacent Shorefields Conservation Area and in the interests of the amenities of neighbouring properties and, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policies DM1 and DM5, and the Southend Design and Townscape Guide (2009).

16 Notwithstanding the details shown on the Drainage Statement by Glanville reference 42000507/MCR/002 dated 11.6.21 and Drainage Plans reference IC-00821-MD-090-T1, IC-00821-MD-100-T1, IC-00821-MD-200-T1, IC-00821-MD-300-T1 the development hereby permitted shall not be commenced other than for demolition works unless and until a detailed design of a surface water drainage scheme and surface water management strategy has been submitted to and approved in writing by the Local Planning Authority . The details submitted shall include, but not be limited to:-

1. If the geocellular system is unlined, the applicant should confirm that any 'partial' infiltration does not have any impact on ground stability or groundwater.
2. The applicant shall provide a drawing showing existing and proposed permeable/impermeable areas positively draining into the existing and proposed drainage systems.
3. The application shall show failure/exceedance routes in the plan.
4. The applicant shall provide justification that there is no increase in the post-development volume runoff in line with S5 in 'Non-statutory technical standards for sustainable drainage systems' (DEFRA, 2015).
5. The applicant shall confirm with Anglian Water that the proposed rates into sewer (via the existing on-site drainage system with an indirect connection) are acceptable.
6. The applicant shall provide Anglian Water's acceptance for the discharge of foul water flows.
7. The applicant shall provide a method statement detailing the effect of surface water during the construction phase and how it will be managed.
8. The applicant shall provide information on how to manage any health and safety risks as part of the submission.
9. The applicant shall confirm who will be the adopting authority / body responsible for the maintenance of each SuDS element and include a maintenance statement and schedule.
10. The applicant shall provide construction details for the proposed SuDS elements (green roofs, geocellular system) in line with this strategy.

The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14.

17 No development shall take place, until and unless a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including measures to ensure the retention of trees to the rear of the site
- v) measures to control the emission of dust and dirt and reduce the impact of noisy activities during construction
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) Measures to mitigate the impact of noise during construction.

Reason: This pre-commencement condition is needed in the interests of visual amenity including the setting of the adjacent Shorefields Conservation Area and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015).

18 Construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities surrounding occupiers and to protect the character of the area including the setting of the adjacent Shorefields Conservation Area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015).

19 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan including a comprehensive survey of staff and patrons, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage has been submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and shall be maintained thereafter in perpetuity and shall be reviewed after 9 months of the development's first use. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: To promote sustainable modes of transport to and from the site in the interest of sustainability and in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3, Policy DM15 of the Development Management Document (2015) and advice contained in the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments

to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

02 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 advised that separate advertisement consent may be required for the digital displays.

04 The applicant is advised that compliance with this decision notice 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. Contact 01702 215005 for more information.

05 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2014 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG The applicant is advised that any waste food collection must be undertaken by a licenced operator.

440 21/01526/BC3 - Nicholson House, 299 Southchurch Road, Southend on Sea (Kursaal Ward)
Proposal: Install 4no. external recycling bins to side
Applicant: Mr P Buckley, South Essex Homes
Agent: N/A

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: SK01, SK02 Location Plan and Bin Location Plan including the external finishes detailed therein.

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

03 Notwithstanding the details shown on the plans submitted and hereby approved, and prior to first use of the approved development, full details of a replacement tree to be planted within the curtilage of the residential development must be submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be planted within the first planting season following implementation of the approved development. The details submitted shall include, but not limited to:-

i. details of the size and location of the tree together with a planting specification.

Any tree dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with tree of such size and species as may be agreed with the Local Planning Authority

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015), Policy CP4 of the Core Strategy (2007) and the advice contained in 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) equate 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 advised to carry out appropriate communication with all residents of Nicholson House so that they are fully aware that the bin stores hereby approved are to be used for recycling waste only and for no other purposes including general waste.

- 441 21/01715/BC3 - Garages, Juniper Road, Leigh on Sea (Blenheim Park Ward)**
Proposal: Demolish existing garages, erect six modular dwellings (Use Class C3), associated landscaping works, refuse and cycle stores
Applicant: Hill Partnerships Limited & Southend-on-Sea Borough Council
Agent: Lanpro Services Limited

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of the date of this decision

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 109-16-PS-001, 109-16-PS-002-B (showing tree protection measures), 109-16-PS-003-A, 109-16-PS-004-A, 109-16-PS-005-A, 109-16-PS-006-A, 109-16-PS-007-B, Cabin specifications 0000-HF-000-00-DR-BC-0002-C08, 0000-HF-000-00-DR-BC-0006-C02, CHM-01-D5, CHM-83-D7, CHM-88-D4, CHM-89-D3, CHM-90-D3 and Existing and Proposed Site Levels S21-269-301-B.

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

03 Before they are first occupied the materials for the external surfaces of the dwelling units hereby approved shall be as set out on drawing reference 0000-HF-000-00-DR-BC-0006-C02 or any other details that have previously been submitted

to and approved in writing by the Local Planning Authority under the terms of this condition.

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

04 The replacement boundaries to the rear gardens of the neighbouring dwellings which directly share a boundary with the site subject of this approved development shall have a 2.2m close boarded fence measured from the immediately adjacent garden level as shown on plans reference S21-269-301-B and 109-16-PS-012-A and the hard and soft landscaping at the site shall be carried out in full accordance with the proposed Soft Landscape Plan by Nigel Cowlin Landscape Planning and Design reference 21.672 rev A dated 11.08.21 and Soft Landscape Proposals Plan reference NC21.672-P-200-B in both cases prior to occupation of the dwellings units hereby approved, or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. The fencing shall be maintained for the lifetime of the development.

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

05 The development hereby approved shall only be used as accommodation for people who are, or would otherwise be, defined as homeless under the Housing Act 1996. The number of persons residing at any one time in the development hereby approved shall not exceed 6. The units shall each only be single occupancy.

Reason: In the interests of the amenities of future occupiers, the amenities of neighbours and parking provision in accordance with Policies KP2 and CP5 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

06 Before the first occupation of the dwellings hereby approved, a Management Plan setting out how the accommodation will be operated and managed shall be submitted to the Local Planning Authority and approved in writing. The Management Plan submitted shall include details of the measures to be implemented to minimize the impacts of the development in terms of antisocial behaviour, noise and disturbance to neighbouring occupiers. It shall also include details as to the process to be used for evicting tenants in breach of the site's management policies, including the Management Plan approved under this condition. The development shall only be occupied in accordance with the approved Management Plan.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Policies KP2 and CP4

of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

07 The 3 car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 109-16-PS-002-B shall be provided and made available for use at the site prior to the first occupation of the dwelling units hereby approved. The single car parking space within the main body of the site and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

08 The development hereby approved shall not be occupied or brought into use until and unless the refuse and recycling and cycle storage facilities are provided and made available for use in full accordance with the details shown on approved drawing numbers 109-16-PS-002-B and 109-16-PS-006-A. The refuse and recycling and cycle storage facilities shall be permanently retained for occupiers and visitors to the approved residential units for the lifetime of the development.

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

09 All development at the site in relation to this approval shall be carried out in full accordance with the Construction Transport Management Plan by Hill reference PDN05-G3-12.02.2018-Version 5, the Construction & Demolition Management Plan by Hill reference PDN05-G3-12.02.2018-Version 5 and Demolition Strategy dated 20.10.21. The tree protection fencing shown on approved plan reference 109-16-PS-002-B shall, so far as is reasonable, be installed immediately following the demolition of the garages in this location and shall be retained throughout the construction period.

Reason: This condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 The site subject of this approval shall be remediated in full accordance with the Site Remediation Strategy set out in Section 8.6 of the Geo-Environmental Report by Enzygo reference CRM.1027.097.GE.R.001.A dated September 2021 before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the Local Planning Authority before completion of the development or occupation of the dwellings (whichever comes first).

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

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

11 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the dwelling hereby approved. This provision shall be made for the lifetime of the development.

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

12 With reference to BS 4142:2014+A1:2019, the noise rating level arising from all plant including the air source heat pumps within the development hereby approved shall be at least 10dB(A) below the prevailing background which is expressed as a LA90,15minutes at the boundary of the nearest residential property with no tonal or impulsive character. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, etc. Background noise levels shall be established for the following periods: Daytime 0700 to 1900, Evening 1900 to 2300 and Night 2300 to 0700 by a suitably competent person.

Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels a noise mitigation scheme shall be implemented and maintained as such for the lifetime of the development.

Reason: In order to protect the amenities of occupiers of the development and surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13 Prior to occupation of the new build residential units hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lppd) (110 lppd when including external water consumption), to include measures of water efficient fittings, appliances

and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

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

14 Prior to first occupation of the development the surface water attenuation strategy (SuDS) for the site shall be implemented in full as set out in Drainage Statement by Walker Associates reference C7523 dated October 2021, Drainage Plans C7523/CE1 and C7523/CE2 and supplementary information contained in the emails from agent dated 25.10.21 and 03.11.21 and it shall be retained as such in perpetuity thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

15 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development, the amenities of the surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

17. Before the units hereby approved are first occupied external lighting for the development shall be installed as set out on plan reference 109-16-PS-022 or in accordance with any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition.

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

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.

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.

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.

- 442 21/01693/OUT - 6 Crosby Road and 121-123 Crowstone Road, Westcliff on Sea (Chalkwell Ward)**
Proposal: Erect five 2.5 storey dwellinghouses, layout parking to front and extend existing vehicular crossover onto Crowstone Road (Outline)
Applicant: c/o SKArchitects
Agent: Steven Kearney of SKArchitects

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 Details of the landscaping (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 The development hereby permitted shall be carried out only in accordance with the following approved plans: 617P203 Revision A; 617P204; 617P202; 617P201.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full product details of the materials to be used on all the external elevations, including walls, roof, windows and doors and rainwater goods have been submitted to and approved in writing by the local planning authority. The development shall only be carried out and completed in accordance with the approved details before it is brought into use.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to: -

- i) Proposed finished site levels or contours;
- ii) Means of enclosure, of the site including any gates or boundary fencing;
- iii) Hard surfacing materials;
- iv) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- v) Details of measures to enhance biodiversity within the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

05 All flank windows above ground floor (with the exception of the flank windows on the northern elevation of the detached dwelling proposed (plot B)) shall only be

glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room that the window serves. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in line with these details in perpetuity.

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 and DM3 of the Development Management Document (2015).

06 The use of the new dwellings hereby approved shall not commence unless and until the two parking spaces per dwelling (10 in total) as shown on the approved plan 617P201 have been provided and made available for use on site. The parking spaces shall be retained in perpetuity for the purposes of car parking solely for residents of the approved new dwellings on site and their visitors.

Reason: To ensure the provision of adequate parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

07 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and KP3.

08 Construction works for the approved development on site shall only be undertaken between 8am to 6pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

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 and DM3 of the Development Management Document (2015).

09 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in 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 submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

10 The new dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

11 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that all new residential units comply with building regulation M4(2) “accessible and adoptable dwellings” prior to their first occupation.

Reason: To ensure the development hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

12 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage facilities. The approved refuse and recycling and cycle parking facilities shall be provided in full and made available for use prior to the first occupation of the dwellings hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse stores in accordance with Policies DM3, DM8 and DM15 of Development Management Document.

13 A. Site Characterisation No development other than site preparation works shall take place until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and

service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

B. Submission of Remediation Scheme No development other than site preparations works shall take place until and unless a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

E. Long Term Monitoring and Maintenance E1) No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.

E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

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

14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall be undertaken unless and until a noise assessment that includes an assessment of railway noise and full details of any necessary acoustic mitigation to be provided within the development, including all glazing and ventilation have been submitted to and approved in writing by the local planning authority. The development must be completed in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

Reason: To safeguard the residential amenity of the future occupiers from noise generated by the nearby railway in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

15 No development shall be undertaken unless and until full details of the tree protection measures to be provided to any off-site trees that are adjacent to the site or which could be affected by their proximity to the proposed development have been submitted to and approved in writing by the local planning authority. The development shall only be undertaken in accordance with the approved tree protection measures.

Reason: This pre-commencement condition is required in the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy 92007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

16 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including measures to ensure the retention of trees to the rear of the site
- v) measures to control the emission of noise, dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, E and F of the Town and Country

Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

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

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice, 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 Councils website (www.southend.gov.uk/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 advised that they will be required to apply to highways to amend and install the vehicle crossovers and that they may also be required to relocate any street furniture such as lamp columns.

443 21/01315/FUL - 315 Station Road, Westcliff on Sea (Chalkwell Ward)
Proposal: Erect 6no. new dwellings with integral garages, roof terraces, balconies and associated amenity space, layout landscaping and form new vehicular accesses onto Station Road
Applicant: Mr Ari Feferkom
Agent: Mr Pantazis of Redwoods Projects Ltd.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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: E 00, E 01, P01 REV A, P02 REV A, P03, P04 REV A, P05, P06 REV A, P07, P08 REV A, P09, P10 REV A, P11, P12 REV A, P13, P14 REV A, P15, P16 REV A, P17, P18 REV B, P19 REV B, P20 REV A, P21 REV B, P22 REV A, MGS40163-3DM-01 REV A.

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

03 The materials to be used on the external surfaces of the development hereby approved, including roof, walls and fenestration, shall be in accordance with the details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition or such alternative details as may be approved under the terms of this condition. The development shall be carried out solely in complete accordance with the approved details before it is brought into first use.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

04 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. The soft landscaping scheme 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. It should also include details as to how the proposed planting of street trees would be achieved.

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 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: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

05 The use of the development hereby approved shall not commence until and unless 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. The hard landscaping scheme shall include details of materials to be used on hard-surfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

06 Notwithstanding the details submitted and otherwise hereby approved, the dwellings hereby approved shall not be brought into first use unless internal storage space in line with the nationally described space standards, at least 2.5m² for all three-bed units and 3m² for all four-bed units , excluding kitchen cupboards and wardrobes less than 0.72m² in a double bedroom and 0.36m² in a single bedroom, have first been provided and made available on site in line with details that have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

07 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwellings comply with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

08 Notwithstanding the details submitted and otherwise hereby approved, no development above ground floor slab level shall take place until a detailed noise and vibration assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include noise and vibration mitigation measures where needed along with a mechanism for verification of their effectiveness on site after they have been carried out. The assessment shall also contain the details for a review mechanism. The mitigation proposed shall ensure that the rating level of noise within the internal areas determined by the procedures in British Standards BS:4142:2014, shall not exceed the safety levels advised by the World Health Organisation. The assessment shall be carried out by a suitably qualified and experienced consultant. The mitigation measures as recommended by the assessment shall be implemented in full prior to the first occupation of the dwellings and maintained on site as approved for the lifetime of the development.

Reason: In the interest of the living conditions of intended future occupiers of the approved development in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted planning permission shall be occupied unless and until plans and other appropriate details which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed buildings are submitted to and approved in writing by the Local Planning Authority. Before each dwelling hereby approved is occupied the privacy screens as applicable to that dwelling shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of adjoining residents and the living conditions of future occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009).

10 Demolition or construction works for the approved development on site, loading or unloading of goods or materials during demolition or construction works shall only be taken at or dispatched from the site between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

11 No development shall take place, including any works of demolition, until and unless a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and

unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control the emission of noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site vii) details of drainage/surface water, including foul drainage, to ensure the proposal does not discharge onto Network Rail land viii) scaffolding ix) piling x) lighting xi) future maintenance of the site.

Reason: In the interest of the residential amenity of nearby occupiers and the highway and rail safety in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

12 The dwellings hereby approved shall not be occupied unless and until the parking provision shown on the approved plans P01 REV A, P02 REV A, P03, P10 REV A and P11 has been provided and made available for use on site. The parking spaces shall be retained for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.

Reason: To ensure the provision of adequate parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

13 No drainage related works shall take place or installed on site unless and until surface water drainage works have been submitted to and approved in writing by the local planning authority. The drainage works shall be carried out solely in full accordance with the approved details prior to the first occupation of the development hereby approved. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

14 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in 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 submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

15 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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 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.

3 Your attention is drawn to the advice given by Network Rail and you are advised to contact the Network Rail's Asset Protection (ASPRO) team via AssetProtectionAnglia@networkrail.co.uk to discuss the scheme in detail, and to ascertain the impact the proposed development will have on Network Rail infrastructure.

444 21/01621/FUL - Part of Former Goods Yard at Station Approach, Priory Works, Southend on Sea (Prittlewell Ward)
Proposal: Change of use of part of former station goods yard and install 24 storage containers and one static caravan for use as self-storage business (Class B8) along with an open storage area for vehicles (part-retrospective)
Applicant: Mr Roy Pullinger
Agent: Miss Emily Weston of Fisher German LLP

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 130528-001B; 130528-002A; 130528-003B; 130528-004A

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

03. Before any external lighting is installed in association with the use hereby permitted details of its location, design and specification shall have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed solely in accordance with the approved details.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

04. The static caravan hereby approved shall only be used for storage purposes by the applicant and shall not be used for any other purpose including as residential accommodation.

Reason: To protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).

05. The area to the north of the site detailed for use as open storage shall only be used for the parking and/ or storage of cars, vans or small trailers (which can fit on the back of a standard car). These vehicles will remain at ground level and must not be stacked and for the avoidance of any doubt the site shall not be used for the external storage of scrap vehicles. HGV's and lorries shall not be parked or stored within the site with the exception of such vehicular activity reasonably necessary for and directly associated with the delivery or collection of containers on the site.

Reason: To protect the amenities and environment of people in neighbouring residential properties, and to prevent additional parking demand which may not be met within the application site, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).

06. The storage containers hereby approved shall remain at ground level and shall not be stacked.

Reason: To protect the amenities and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009).

07. The development hereby approved, for purposes falling within Use Class B8, shall only be occupied for storage purposes within Use Class B8 and shall not be used for any other purpose, including 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 instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

08. Notwithstanding the information submitted with this application and otherwise hereby approved, the development shall not be brought into use unless and until a

Management Plan has been submitted to and approved in writing by the local planning authority setting out the operational controls and measures to be implemented to limit noise and disturbance arising from the use on the amenities of neighbouring residential occupiers. The use hereby approved shall only be operated in strict and full accordance with the Management Plan approved under this condition and it shall remain as such for the lifetime of this development.

Reason: In order to protect the amenities of surrounding occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

09. The part of the site to be used for the open storage of vehicles within the wider development hereby approved, which is confined to the northern parcel of the application site, labelled as 'open storage area' on plan 130528-003B, shall only be open to customers or staff between the hours of 06:00 to 23:00 on any day and at no other times.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)”

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:

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

2. 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.

3. Network Rail strongly recommends the developer contacts the Asset Protection Team on AngliaASPROLandClearances@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation>.

- 445 21/01644/AMDT - The Bellhouse Public House, 321 Rayleigh Road, Eastwood (Eastwood Park Ward)**
Proposal: Application to vary condition 2 to allow access from Bellhouse Road for emergency vehicles and delivery vehicles between the hours of 08:00 and 15:00 Mondays to Saturdays and 9am to 3pm on Sundays and Bank Holidays and update condition 1 in relation to parking provision at the site (Minor material amendment to application D/423/69 dated 02.10.1969)
Applicant: Mr P Barthaud
Agent: Stone Me Ltd

Mr McGhee, a local resident, spoke as an objector to the application.

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed use of the access way by delivery and collection vehicles would result in an unacceptable level of noise and disturbance and nuisance through vehicle movements and fumes significantly harmful to the amenity of neighbouring residential properties. This is unacceptable and contrary to policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 446 21/01653/FUL & 21/01654/LBC - 6A Clifton Terrace, Southend on Sea (Milton Ward)**
Proposal: Install timber decking to rear garden (Retrospective)
Applicant: Ms Victoria Morgan
Agent: Mr Mark Morgan of Petro Designs Ltd.

Resolved:-

1. That planning permission be GRANTED subject to the following condition:

01. The development hereby permitted shall be retained in accordance with the following approved plans: 01; 01B

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

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application, by assessing the proposal against all material planning considerations, including planning policies and any representations that may have been received. Planning permission has been granted subject to conditions as the proposal was found to be compliant with the objectives of planning policies and guidance and there were no material considerations to justify reaching a different conclusion. A detailed analysis of the proposal is set out in a report on the application prepared by officers.

2. That Listed Building Consent be GRANTED subject to the following condition:

01. The development hereby permitted shall be retained in accordance with the following approved plans: 01; 01B

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

Informative

You are advised that the development at your property 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.

447 21/01660/FULH - 472 Woodgrange Drive, Southend-on-sea (Thorpe Ward)

Proposal: Erect single storey rear extension (amended proposal)

Applicant: Ms Prashar

Agent: N/A

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out only in accordance with the following approved plans: Location Plan, 1/A, 2/C.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

04 The roof of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

Positive and Proactive Statement:

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:

1. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 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) for further details about CIL.

2. 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.

448 21/01662/FULH - 10 Ashleigh Drive, Leigh-on-Sea (Leigh Ward)
Proposal: Erect part single/part two storey rear extension, install juliette balcony to first floor extension, alter elevations
Applicant: Mr and Mrs Chalk
Agent: Guy Clark of gclarkitecture

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out only in accordance with the following approved plans: AD-CH-01/A, AD-CH-02.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

04 The roof of the single storey part of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

05 The proposed first floor flank window hereby approved shall only be glazed permanently in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above finished internal floor level of the relevant room prior to the first use or occupation of the development hereby approve. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The window shall be retained as such in perpetuity thereafter.

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

Positive and Proactive Statement:

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:

1. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 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) for further details about CIL.

2. 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.

449 21/01738/FULH - 75 Eaton Road, Leigh-on-Sea (West Leigh Ward)
Proposal: Erect single storey outbuilding to rear to form residential annex for ancillary use to main dwelling (Amended Proposal)
Applicant: Mr Ian Roberts
Agent: Mr Woodrow Barker of Barker Woodrow Ltd

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out only in accordance with the following approved plan: 5095/B.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

03 The annexe building hereby approved shall not be occupied at any time other than for purposes ancillary or incidental to the residential use of the dwelling known as 75 Eaton Road, Leigh-on-Sea and shall not be used as an independent residential unit.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of current and future occupiers on site and to prevent additional parking demand which cannot be met within the application site in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM15 and the advice contained within the Design and Townscape Guide (2009).

04 The proposed rear window of the development hereby approved shall only be glazed permanently in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the finished internal floor level of the relevant room, prior to the first use or occupation of the development hereby approved. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The window shall be retained as such in perpetuity thereafter.

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

Positive and Proactive Statement:

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:

1. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 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) for further details about CIL.

2. 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.

Chair: _____

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 05th January 2022

WARD	APP/REF NO.	ADDRESS
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Main Plans Report		
Thorpe	20/01199/FULM	Roslin Hotel Thorpe Esplanade
Milton	21/02172/FUL & 21/02173/LBC	5 - 6 Clifftown Parade Southend-on-Sea
Southchurch	21/02116/FULH	7 Navestock Gardens Southend-on-Sea

Enforcement Report		
Belfairs	20/00027/UNAU_B	32 Belfairs Drive Leigh-On-Sea
Milton	19/00158/UNAU_B	21 Holland Road Westcliff-on-Sea
Thorpe	21/00061/UNAU_B	193 Eastern Esplanade Southend-on-Sea

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Deputy Chief Executive and Executive Director (Growth & Housing), are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports: -

CIL	-	Community Infrastructure Levy
DAS	-	Design & Access Statement
DEFRA	-	Department of Environment, Food and Rural Affairs
DPD	-	Development Plan Document
EA	-	Environmental Agency
EPOA	-	Essex Planning Officer's Association
JAAP	-	Southend Airport and Environs Joint Area Action Plan
MHCLG	-	Ministry of Housing, Communities and Local Government
NDG	-	National Design Guide
NDSS	-	Nationally Described Space Standards
NPPF	-	National Planning Policy Framework
PPG	-	National Planning Practice Guidance
RAMS	-	Recreation disturbance Avoidance and Mitigation Strategy
SCAAP	-	Southend Central Area Action Plan
SPD	-	Supplementary Planning Document
SSSI	-	Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	-	Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	-	Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and PPG including the NDG
- (vi) NDSS
- (vii) Core Strategy SPD
- (viii) Development Management DPD
- (ix) JAAP

DEVELOPMENT CONTROL COMMITTEE

- (x) SCAAP
- (xi) Design and Townscape Guide
- (xii) Technical Housing Standards Policy Transition Statement
- (xiii) Waste Storage, Collection and Management Guide for New Developments
- (xiv) Essex Coast RAMS SPD
- (xv) CIL Charging Schedule

NB Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

DEVELOPMENT CONTROL COMMITTEE

Use Classes

(Generally in force from 1st September 2020)

Class B1	Business
Class B2	General industrial
Class B8	Storage or distribution
Class C1	Hotels
Class C2	Residential institutions
Class C2A	Secure residential institutions
Class C3	Dwellinghouses
Class C4	Houses in multiple occupation
Class E	Commercial, Business and Service
Class F.1	Learning and non-residential institutions
Class F.2	Local community
Sui Generis	A use on its own, for which any change of use will require planning permission.

Deleted Use Classes

(limited effect on applications for prior approval and other permitted development rights until 31st July 2021)

Class A1	Shops
Class A2	Financial and professional services
Class A3	Restaurants and cafes
Class A4	Drinking establishments
Class A5	Hot food takeaways
Class D1	Non-residential institutions
Class D2	Assembly and leisure

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Reference:	20/01199/FULM	6
Application Type:	Full Application Major	
Ward:	Thorpe	
Proposal:	Partial demolition of the hotel and the erection of three storey extensions to the east, fronting Walton Road and to the west fronting Cliveden 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	
Address:	Roslin Hotel, Thorpe Esplanade, Thorpe Bay	
Applicant:	Regis Entertainment Limited	
Agent:	Jon Murch of DaviesMurch	
Consultation Expiry:	12th November 2021	
Expiry Date:	12th January 2022	
Case Officer:	Spyros Mouratidis	
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-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; WP-0753-A-0210-E Rev A; Existing Room Count Markup	
Supporting Documents:	BREEAM Pre-Assessment Report Issue 1.1.1 August 2021; Design and Access Statement September 2021; Economic Benefits Statement September 2021; Energy and Sustainability Statement August 2021;	

	<p>Environmental Assessment - Surface Water Drainage Strategy reference 5703 SWDS version 1.0 October 2020; Planning Statement September 2021; Sitecheck Assess report reference 256911367 September 2020; Transport Statement reference 2003110-03 September 2021; Hotel Travel Plan Statement reference 2003110-04 September 2021</p>
<p>Recommendation:</p>	<p>Members are recommended to <u>DELEGATE</u> to the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control to <u>GRANT PLANNING PERMISSION</u> subject to <u>CONDITIONS</u> following the completion of a <u>LEGAL AGREEMENT</u> under section 106 of the Town and Country Planning Act 1990 (as amended)</p>



1 Site and Surroundings

- 1.1 The application site is located on the northern side of Thorpe Esplanade and is occupied by a cluster of interlinked buildings used as a hotel and associated facilities. The currently existing buildings can accommodate lawfully up to 47 rooms and 15 additional rooms could be accommodated until recently within the, now demolished, building at 8-10 Clieveden Road. 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 56 car parking spaces to the rear, although 67 were previously required to be provided under a planning condition of planning permission 16/01757/FUL. 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 numerous 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 is sought for the reconfiguration of the existing complex of buildings. The proposal is to demolish the existing side sections of the hotel and to erect two-storey extensions with accommodation within the roof to the east, fronting Walton Road, and to the west, fronting Clieveden Road. The proposed eastern wing would measure some 35m deep by 13m wide, reaching 17m at its maximum width. The proposed western wing would measure some 17m wide by 59m deep extending within the location of the recently demolished building at 8-10 Clieveden Road. Both wings would have gabled projections with maximum height at 10.3m and eaves height at 6.1m. First floor connections between the proposed wings and the central section of the hotel would be created. These would be flat roofed and would reach 6.1m in height. A flat roofed canopy with a green roof would be erected between the proposed wings, to the rear of the middle, existing, section of the building. The proposal includes the creation of a basement beneath part of the proposed eastern wing.
- 2.2 It is proposed to finish the roof over the proposed extensions with terracotta roof tiles. The walls on the upper floors would be finished with horizontal rain-screen timber/composite cladding. The fascia and frames for the gables as well as the balconies would be made from painted white metal and timber. Timber decking would be used for the floor of the balconies and timber privacy screens would be used to separate the balconies for the relevant rooms. The fenestration would be made of white aluminium or timber frames. The colonnade supporting the rear green roof canopy to the rear would be made of timber. Low level stone enclosures would separate the parking from the pedestrian routes.

- 2.3 The proposal would accommodate the increase of the existing gross internal floorspace by 2,568 m², to a total of 5,708 m², and by 5 hotel rooms, a total of 67 rooms. It should be noted that the current lawful maximum hotel rooms on site is 62 rooms, although this is not currently implemented for operational reasons. From the total available floorspace, some 1,451 m² would be used for the provision of incidental uses such as a spa (some 477 m²), a ball room (200 m²), a restaurant (210 m²), two bars (96 m² and 162 m²), a wedding venue (some 258 m²) and a gym (48 m²). Most of these uses, as discussed in section 1 of the report, are already provided on site. With the proposal there would be an increase in maximum capacity. The proposal would also enable the increase of total full-time equivalent employees from 124 to 166, with a maximum of 60 employees on site at any one time.
- 2.4 As part of the proposal the frontages of the site will be modified to accommodate terraces finished with timber decking for external seating areas behind a buffer of soft landscaping retained with rendered masonry walls. Around the proposed external seating areas, it is proposed to install clear glazed windscreen, similar to those already in place around the existing terraces. The majority of these areas are already used for external searing during parts of the year as already mentioned. A ramp is proposed at the Thorpe Esplanade frontage next to the proposed main stairs. The rear boundary is proposed to be 2m high. The areas near the main entrance points would be surfaced in stone. The proposal includes the construction of an electricity substation with a flat roof form at a height of 2.7m above ground level abutting the boundaries of 12 Cliveden Road and 5 Walton Road.
- 2.5 To the rear the car parking area would be reconfigured to accommodate 60 parking spaces, 55 would be accessed from Walton Road and 5 would be accessed from Cliveden Road and controlled with retractable bollards. A total of 44 cycle parking spaces are proposed to be provided on site.
- 2.6 During the course of the application the proposed scheme was amended to alter its internal and external layout as well as the overall design approach. The amendments have been informed by a pre-application discussion with officers.

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]
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)	Pending Consideration
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 bris soliese 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,	Permission Granted

	decking, balustrade and terrace to front	[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

Call-in

4.1 The application, in addition of being considered by the committee as significant development, has been called in to the Development Control Committee by Councillor Woodley who also submitted the following summarised comments:

- The proposed design is a step back when compared to the original submission, the more modern appearance currently proposed would drastically change this part of the seafront.
- Potential issues with overlooking to properties on Cliveden Road and Walton Road from proposed east-facing, upper floor balconies.
- The height is not a problem.
- The hotel already hosts weddings without local councillors being informed of any noise complaints and conditions about this should be used.
- Parking demand will exacerbate issues in the area and the submitted information has failed to adequately address this matter.

Public Consultation

4.2 Fifteen (15) neighbouring properties were consulted, a site notice was displayed and publicity was given in the local press both for the application as originally submitted and the revisions received during the course of the application. Objecting comments from eighty-six (86) interested parties have been received for this application and are summarised as follows:

Principle of enlargement

- Loss of four family homes in the area.
- The proposal is no longer just a hotel but an entertainment venue mainly for non-residents with associated increase in traffic and noise.
- Too much increase in functions floorspace.

Design and impact on the character and appearance of the area

- The area was mainly residential and now the hotel has grown out of place eroding the residential character.
- The area is occupied by Edwardian and Art Deco properties and as such the loss of the pair of semi-detached properties on Cliveden Road would be unacceptable.
- More than 150m of the streetscene will be taken by the premises, the associated parking and the anti-social nature of additional cars.
- The site is already grossly overdeveloped.
- Out of scale and extends beyond existing building lines.
- The proposal looks like a block of flats.
- Existing vegetation will be removed.
- Corner plots are visually dominant, intrusive and overpowering.
- Poor light conditions on the public areas around the site.
- Dominance of hard landscaping.

Impact on neighbouring residential amenity

- Numerous changes to the hotel caused disturbance and inconvenience to neighbours with this project requiring at least 18 additional months of construction noise and disturbance, including dust.
- Harmful impact on the privacy of neighbouring occupiers due to overlooking from proposed balconies.
- The additional floorspace would attract more footfall which would create noise and disturbance to nearby residents.
- Noise and disturbance from the use including from broken glass, bottle bank noise, outside seating, external lighting, smokers, deliveries and collections, cooking smells and drunken clients.
- The proposed access arrangements would generate noise and disturbance to surrounding streets.
- The proposed location of the bin storage area would create odours and noise to the detriment of nearby residents.
- Loss of light and overshadowing.
- Concerns about air quality.
- Location of sub-station is a health and safety hazard for neighbours.

Parking and highways

- Insufficient parking for the use negatively impacts on nearby residents.
- Proposal would exacerbate existing parking problems including employees and clients parking on nearby streets.
- Local parking capacity cannot accommodate this expansion.
- Increased traffic, including because of the drive through parking arrangements.
- Highway safety issues for cars traveling to the north end of Walton Road.
- The car parking area should have barriers to prevent unauthorised parking.
- Colbert Avenue is used by the employees of the applicant throughout the year.

- Taxi shuttle will cause problems to surrounding streets.
- Parking issues and traffic during construction.
- The Council should support parking restrictions on Colbert Avenue.
- Emergency services cannot access the area because of parked vehicles around the site.
- Any charging for parking of visitors and guests will only increase parking on surrounding streets.

Impact on the Environment

- The demolition of existing building is a waste of resources.
- The use of external heaters is not environmentally friendly.
- Impact on the beach and the wildlife.
- Two street trees have been removed without consent.

Other matters

- There are many children in the area and their safety should be a consideration.
- Main income is from other functions according to the company's books.
- The company was reporting losses before Covid-19.
- The long-term plan is to turn this site into a block of flats.
- The applicant is applying for development incrementally hoping residents would not notice.
- The neighbours have been bullied by the operators of the hotel.
- The demolition of 9-10 Cliveden Road has left the area as a bomb site
- The planning department has granted so many permissions previously that now does not want to take the residents' objections into consideration.
- Antisocial behaviour from members of staff, including smells of illegal substances.
- The expansions of the hotel are causing mental health problems to residents.
- The proposal would restrict sea views from neighbouring properties.
- Value of nearby properties will go down.

4.3 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

Anglian Water

4.4 No objections.

Cadent Gas

4.5 No objections – there is apparatus in the area.

Environmental Health

4.6 No objections subject to conditions regarding construction hours and waste management.

Fire Safety Officer

4.7 No objections.

Highways Team

4.8 No objections subject to a travel plan. A detailed and robust transport statement has

been submitted which included TRICS data confirming the proposal would have a minor impact on the local highway network, the site is in proximity of rail, bus and cycle infrastructure, a significant proportion of employees (69%) use alternative modes of transport to commute and off street parking availability, pay and display bays and public parking area are available.

Lead Local Flood Authority

- 4.9 No objections subject to conditions to require drainage related details prior to construction.

Parks and Greenspace Officer

- 4.10 No objections subject to conditions to require soft landscaping and biodiversity enhancing measures.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4 (Tall and Large Buildings), DM6 (The Seafront), DM10 (Employment Sectors), DM11 (Employment Areas), DM12 (Visitor Accommodation), DM14 (Environmental Protection), DM15 (Sustainable Transport Choices).
- 5.5 Design & Townscape Guide (2009)
- 5.6 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.7 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.8 Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the site and the wider surrounding area, the impact on residential amenity, parking and highways considerations, air quality, drainage and flooding, land contamination, refuse and recycling storage, water and energy use sustainability and CIL (Community Infrastructure Levy).

7 Appraisal

Principle of Development

Expansion of hotel and associated facilities

- 7.1 Paragraph 119 of the NPPF states: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”
- 7.2 Policy KP2 of the Core Strategy states that all new development should: “[...] make the best use of previously developed land, ensuring that sites and buildings are put to best use”. Policy CP4 of the Core Strategy requires development proposals to: “maximise the use of previously developed land [...] and promote good, well-designed, quality, mixed use development”. Similarly, Policy DM3 of the Development Management Document states that: “The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner”
- 7.3 Paragraph 93 of the NPPF states: “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should [among others] plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”.
- 7.4 Policy DM10 of the Development Management Document recognises the Seafront as a priority location in relation to hotel provision. Policy DM12 of the same document states that: “New visitor accommodation will be focused within the [Key Areas]. Proposals must relate well to strategic routes and the distributor road network, have good public transport accessibility and meet the requirements of other relevant planning policies”. The preamble of this policy recognises tourism and cultural industries within Southend to be important for sustained economic growth in the Borough.
- 7.5 Policy DM6 of the Development Management Document states: “The provision of new and improved facilities for [...] tourism facilities will generally be supported in appropriate locations along the Seafront in accordance with Policy Table 1. Proposals are required to demonstrate that:
- (i) Such facilities will not detrimentally reduce the amount of beach available for public use or public accessibility to the foreshore; and
 - (ii) They provide an adequate means of access to the foreshore
 - (iii) They contribute to the positive appreciation of natural resources and biodiversity of the foreshore by visitors and users.”
- 7.6 Seafront Character Zone 6, Clieveden Road to Maplin Way, includes, among others, the following principles:
- (i) Maintain existing established build character and activities based around open parks and beach recreation.
 - (iii) Green grid will be enhanced through improvement of the parks and gardens.
 - (iv) Retain and enhance existing leisure activities including the tennis, bowls and yacht clubs. [...]
 - (v) New flatted developments along the Seafront will be resisted. Development that

does take place must respect the open nature of the public and private open space and the grain and character of the residential area.

- (vi) Shelters and cafes will be improved. Refurbishment and renewal works will not impact on the foreshore views and should not unduly encroach upon it.

- 7.7 Policy CP1 of the Core Strategy seeks to promote economic regeneration and expects development to support the Southend's regional potential to develop as a hotel and conference resort . Policy CP6 of the same document states: "Development proposals must mitigate their impact on community infrastructure [...] by [...] safeguarding existing and providing for new leisure, cultural, recreational and community facilities"
- 7.8 There is clear policy support for the principle of the provision of additional hotel accommodation and associated facilities in this location. Considering the existing and established facilities on site, this development is clearly associated with the seafront and the economic activity arising from tourism in the area. The proposal would comply with the criteria in policy DM6 and would be compatible with the principles of Seafront Character Zone 6.
- 7.9 It is noted that objections have been submitted against the principle of the extension of the facilities on site. One of the grounds raised is that the proposal would result in loss of existing family homes. However, in planning terms, any previous use of parts of the site for residential purposes as single dwellinghouses was lost when the change of use of these buildings was allowed. Whilst the surrounding buildings are dwellings, the site has a long-established use as a hotel with provision of other associated facilities which are open to the wider public. The proposed enlargement of the premises is compatible with the spatial vision of the Local Planning Authority and, in principle, would not conflict with the established character of the area. No dwellings would be lost as a result of this proposal.

Provision of a large building

- 7.10 Policy DM4 of the Development Management Document states that tall and large buildings will be considered acceptable where the following criteria are met:
 - (i) They are located in areas whose character, function and appearance would not be harmed by the scale, mass or bulk of a tall or large building; and
 - (ii) They integrate with the form, proportion, composition, and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level; and
 - (iii) Individually or as a group, form a distinctive landmark that emphasises a point of visual significance and enhances the skyline and image of Southend; and
 - (iv) The highest standards of architecture and materials are incorporated; and
 - (v) The latest regulations and planning policies for minimising energy use and reducing carbon emissions over the lifetime of the development are exceeded, where viable and feasible; and
 - (vi) Ground floor activities provide a positive relationship to the surrounding streets; and
 - (vii) They are located in a sustainable area with frequent public transport links, and where local services are accessible by foot and bicycle.
- 7.11 The design and impact of the proposal is discussed in more detail in the relevant section of this report. In summary, in relation to criteria (i) and (ii), it is considered that the character, function and appearance of the area would not be harmed and that the

proposed building would integrate acceptably in the locality, particularly considering that the existing building, through the amalgamation and extension of smaller buildings has formed a single large building on site. The resulting buildings would function as a landmark enhancing the image of Southend's seafront in line with criterion (iii). Criteria (iv) and (v) are considered to be met as discussed in the relevant sections of this report. In compliance with criterion (vi), the ground floor would continue to contain an active and transparent frontage where all the facilities would be accommodated. The area is well served by public transport, including bus and train links, and is accessible by alternative means in line with the requirements of criterion (vii). The principle of providing a large building in this location is considered acceptable and policy compliant.

- 7.12 There is no objection to the principle of the development. Other material planning considerations are discussed in the following sections of this report.

Design and Impact on the Character of the Area

- 7.13 Good design is a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also 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."
- 7.14 Paragraph 126 of the NPPF states that: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- 7.15 Policy DM1 of the Development Management Document states that all development should: "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 7.16 Policy KP2 of the Core Strategy states that new development should: "respect the character and scale of the existing neighbourhood where appropriate". Policy CP4 of the Core Strategy requires that development proposals should: "maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development and respecting the scale and nature of that development".
- 7.17 The Design and Townscape Guide states that: "The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings."
- 7.18 The existing building on site is a result of a series of amalgamation and extension projects throughout the years. The result of this process is a distinct building in its locality which reinforces its commercial character and use. Whilst the original form and appearance of its elements was kept, the process compromised the functionality of the building internally and its external appearance which at places appears disjointed. The existing building offers a neutral contribution to the character and appearance of the area.

- 7.19 In terms of layout, the proposal mainly follows the notional established building lines in the area. On Clieveden Road, exiting development on site significantly projects forward of buildings to the north. The proposal would remove that part of the existing development and would result in the main bulk of the building following the established layout, with only the balconies projecting beyond. On Walton Road, the building on site currently projects forward of other building frontages to the north of the site. The proposal would not project any further than the existing building. On Thorpe Esplanade, considering the notional line connecting the southernmost point of the buildings on nos.5, 6 and 17, the existing building on site sits already significantly further forward from that. The proposed additions would not detract detrimentally from the established urban grain and the layout of the proposal is considered acceptable.
- 7.20 The proposed scale, albeit not subservient to the entirety of the existing building, would respect the scale of the retained part of the existing building as well as the scale of the surrounding development. Development with accommodation in the roof level is common in the area and the property at 6 Thorpe Esplanade is unapologetically three-storey in scale. Whilst the eaves and total height of the proposed side extensions would be higher than that of adjoining neighbours, this would assimilate the relationship of the recently demolished building at 8-10 Clieveden Road and the existing western part of the building on site with their respective northern neighbours.
- 7.21 The proposed form has been designed as a series of uniform gables with balconies and rooms in the roof. The regular rhythm of gables would ensure that the building retains a domestic scale which positively references the form of the existing building and wider streetscene. The use of colonnades to support the balconies and the building above undercroft parking is not an uncommon form in the area. Whilst the proposed form of the new wings would be distinct from the form of the retained part of the building, the distinction would not conspicuously stand out. The use of flat roofs above the gables to keep the maximum height acceptable towards neighbouring development, is a less positive aspect of the proposed form, but appropriate detailing could screen these areas and mitigate the resulting impact.
- 7.22 Considering the appearance of the proposal, it is important to bear in mind that the area contains mainly well-detailed traditional dwellings and has a characteristic seaside appearance. The proposal has a distinct character which compliments the original frontage but is more modern in appearance which would assist in reinforcing the presence and distinction of the hotel and other facilities in this location. The use of timber balconies in particular is a positive reference to the seaside character of the esplanade and work well as the main decorative feature of the new wings. The building would maintain an active frontage on Thorpe Esplanade, with the proposal also creating active frontages on part of the eastern and western facades of the building. The hierarchy of openings and level of glazing proposed are positive aspects of the proposed design.
- 7.23 It is proposed to enclose the required plant within parts of the eastern wing, hiding it from public vistas. The indicative provision of solar photovoltaic panels on the flat roofed areas is acceptable. Provisions for shading on the external seating areas, mainly through retractable umbrellas, could potentially compromise the appearance of the building. The proposed undercroft areas at the sides towards the rear will create voids on these frontages. Retaining the mansard roof within the middle section of the building would retain an incongruous feature on the site. These are less positive aspects of the design and appearance of the scheme. However, considered in the round, would not

justify the refusal of the proposal in these regards.

- 7.24 The proposed materials, as described in section 2 of the report, would reference the palette of materials present on site and in the area. However, particular details and, samples, where appropriate, are suggested to be required by condition to ensure the success of the proposal and appropriate blend with the retained part of the existing building.
- 7.25 Considering the submitted information regarding soft and hard landscaping, the proposed buffer at the perimeter of the site is a positive aspect that would soften the appearance of the proposal in the streetscene. It is suggested that details of the proposed plants and soft landscaping maintenance are required with a condition. A condition is also suggested regarding details of hard landscaping which should include details of boundaries and details of materials for the hardsurfaces on site with a preference to block paving instead of tarmac for the car parking areas. The proposed appearance of electricity substation is acceptable.
- 7.26 In the round, the proposal is considered acceptable and policy compliant in the above regards, subject to conditions.

Impact on Residential Amenity

- 7.27 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.28 The proposed western extension to the building would be at least 3.4m away from the flank elevation of the nearest property at 12 Clieveden Road and would project some 8.8m beyond its main rear elevation, some 3.1m from the rear elevation of a recently constructed rear extension (permission granted under reference 19/00139/FULH). Until recently, the building on the site at 10 Clieveden Road was 1.9m away from the same flank elevation of no.12 and was projecting some 6m beyond its northern neighbour's main rear elevation. Both the proposed and recently demolished structures have eaves height of approximately 6.2m. On balance, it is considered that the design of the development is such that the proposed relationship to number 12 Clieveden Road is acceptable in terms of its impact on light, overshadowing, outlook and sense of enclosure. The nearest upper floor opening facing this neighbouring property is at least 32m away from the site boundary. As such, it is not considered that the proposal would result in any significantly harmful impact on the residential amenity of this neighbour in terms of overlooking and loss of privacy.
- 7.29 The flank elevation of the other property that abuts the boundary of the application site, 5 Walton Road, would be at least 11.2m away from the rear elevation of the eastern proposed extension. The nearest openings facing this neighbour would be located to the eastern flank of the western extension, some 19.5m from the rear boundary of No.5 and more than 41m from its rear elevation. The resulting separation distance would be sufficient to ensure that no significantly harmful impact would be caused to the residential amenity of this neighbour.
- 7.30 As already discussed, the proposal includes the construction of a substation abutting

the boundaries of 12 Clieveden Road and 5 Walton Road. The structure would be of a modest volume. Given the size of the neighbouring gardens and the distance of this structure from the neighbouring dwellings its relationship with its neighbours would be acceptable.

- 7.31 Other nearby residential properties are further away from the site, most of them separated by the adjoining highways resulting in a separation distance in excess of 21m. As such, it is not considered that the proposal would result in any undue loss of privacy or overlooking, loss of outlook, sense of enclosure, creation of an overbearing relationship, overshadowing or loss of light to its neighbouring dwellings, including as a result of the balconies proposed.
- 7.32 The proposed enlargement of the building is not expected to result in unacceptable pollution, noise and disturbance over and above the existing situation. Conditions to control the hours of construction and to require a construction method statement are suggested in order to avoid significant harm to the residential amenity of neighbours during the construction period. Additional conditions to control the hours of operations 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 are also suggested. The Council's Environmental Health service has raised no objections.
- 7.33 Overall, subject to conditions, the proposal is, on balance, acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.34 Policy DM15 of the Development Management Document states: "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". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.35 The adopted parking standards require the provision of a maximum of 1 parking space per 5m² for drinking establishments, restaurants and cafes, a maximum of 1 car parking space per 10m² for any public areas of gyms, and a maximum of 1 space per bedroom for Class C1 hotels. The adopted standards also require the minimum provision of 2 cycle parking space per 100m² for staff and customers for drinking establishments, restaurants and cafes, a minimum of 1 space per 5 staff plus 1 space per 10 bedrooms for hotels and 10 spaces plus 1 space per 10 vehicle spaces.
- 7.36 When previous applications were considered by the Local Planning Authority, the maximum car parking requirement was calculated only on the basis of the main use as a hotel. As such it was considered that the provision of 67 car parking spaces exceeded the maximum of 62 spaces that the standard would require for the amount of hotel rooms. If the parking requirements for the function floor space were to be calculated separately, the existing parking requirements would be calculated as a maximum of 242 car parking spaces by the standards (62 for the hotel rooms, 2 for the gym and 178 for 890m² of bar/lounge/restaurant spaces). On this basis, the proposed development would attract a maximum car parking requirement of 257 car parking spaces (67 for the hotel, 5 for the gym and 185 for the bar/restaurant space). Using this approach a maximum of 15 parking spaces over and above the existing situation would be permissible.

- 7.37 The proposal would result in the loss of 7 car parking spaces from the number previously required by conditions; it is proposed to provide 60 car parking spaces whilst conditions previously required 67. The proposal is supported by a transport statement and a travel plan. In these documents it is stated that the site operates with 54 parking spaces, but it should also be acknowledged that it also operates fewer hotel rooms from its lawful maximum. The submitted documents state that the proposed car parking provision along with the proposed measures, including the operation of a shuttle-taxi to and from satellite car park locations which customers would be encouraged to pre-book, would be sufficient for the expected parking needs. The submissions include a car parking survey and trip generation data which the Council's Highways Team considered to form a robust analysis.
- 7.38 Despite the significant level of objections, the supporting information in relation to car parking need, provision and management, is considered sufficient to demonstrate that the proposed development would not cause a significant level of harm to the car parking conditions of the area or to the highway safety. Furthermore, it is noted that the site is located in a sustainable location with good access to bus services, the Shoebury to London Fenchurch Street rail line and local cycle routes. With this in mind and on the basis of the submitted information, including its assessment by the Council's Highways service, it is considered acceptable to allow a parking provision lower than the maximum.
- 7.39 The submitted travel plan supporting the application includes the proposed measures to encourage alternative modes of transport. These measures include recruiting people who live locally, minor changes to staff shifts to accommodate use of public transport, travel information on the hotel's website, promotion of walking and cycling, promotion of public transport to employees and visitors, offer of a dedicated taxi service, encouragement of car sharing for staff, management of private vehicles with CCTV and parking penalties. A condition is suggested to ensure that the travel plan measures, and car parking management are implemented. A S106 legal agreement is proposed in order to ensure the necessary funding for the monitoring of the travel plan is in place.
- 7.40 Following the adoption of the EVCI SPD, it is a requirement that 20% of the car parking spaces, 12 spaces on this site, are provided with active infrastructure for electric charging and the rest 48, 80% of the spaces, have to be provided with passive infrastructure. A condition to secure this provision is suggested. In terms of cycle parking provision, the minimum standards result in a requirement for 44 cycle parking spaces for the proposal. This provision is proposed on site and a condition is suggested to be imposed to secure this.
- 7.41 The proposed access arrangements are considered satisfactory with acceptable visibility. The existing crossovers would be used for the five car parking spaces accessed from Clieveden Road. The proposed single point of access to the main parking area from Walton Road and single point of egress onto Clieveden Road along with measures to limit parking to clients only, would assist in reducing traffic associated with the site. The submitted car parking survey noted that there were cases when a car would enter one part of the parking area only to find it full and travel to the other, adjoining but unconnected, parking area. Furthermore, neighbours have raised concerns that the parking area of the hotel is used by members of the public who may not be attending the site. This rationalisation of access arrangements is a positive, enhancing highway safety.

- 7.42 Subject to conditions and a S106 Legal Agreement, the proposal would be acceptable and policy compliant in terms of its highways, transport and parking impacts.

Refuse and Recycling Storage

- 7.43 The submitted plans show refuse and recycling store areas within the rear part of the building. The Waste Management Guide requires that refuse storage is located in a convenient location for collection and offers sufficient capacity for the intended use. It is considered that the proposed arrangements would result in an easily accessible area and would offer sufficient capacity for the proposed use. Subject to a condition requiring the provision of the bin storage prior to the first use of the proposed development, these details are acceptable and policy compliant.

Energy and Water Sustainability

- 7.44 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. The same policy requires non-residential buildings to achieve a minimum BREEAM rating of ‘Very Good’
- 7.45 The submitted BREEAM pre-assessment confirms that the building has been designed to achieve a ‘Very Good’ rating. The appropriate certification can be secured by condition in line with policy requirement. The submitted energy statement confirms that the proposal would exceed the policy requirement of 10% of the energy need to be covered by renewable sources. The provision of solar photovoltaic panels on the roof of the building would be a visually acceptable solution towards the achievement of that aim. The proposal is acceptable and policy compliant in these regards, subject to conditions.

Flooding and surface water drainage

- 7.46 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposal has been submitted with a surface water strategy to increase the drainage performance of the site in accordance with principles of Sustainable Drainage Systems. The Lead Local Flood Authority requires some additional information in relation to the proposed drainage strategy. The required information and appropriate implementation of the proposed drainage scheme can be secured by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Land contamination

- 7.47 Paragraph 174 of the NPPF stipulates that planning decisions should contribute to and enhance the natural and local environment by, among others, remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 183 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination and after remediation, as a minimum, land should not

be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

7.48 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:

- (i) An appropriate Contaminated Land Assessment has been carried out as part of the application to identify any risks to human health, the natural environment or water quality; and
- (ii) 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 appropriate remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed.
- (iii) Remediation works will be carried out before the commencement of any new development.

7.49 The submitted assessment confirms that the land on site is unlikely to be contaminated. The Council's Environmental Health service raised no objection in this regard. The proposal is acceptable and policy compliant in the above regards.

Ecology, Biodiversity, HRA and RAMS

7.50 The site is located opposite the estuary of river Thames which is subject of numerous designations for the protection of the natural environment. These designations include Site of Special Scientific Interest, Ramsar Site, Special Protection Area and Nature Improvement Area. The Council's adopted RAMS SPD advises that for hotels there should be a case-by-case assessment as to whether any mitigation, similar to the RAMS tariff payable for other types of residential development (Use Classes C2, C3 and C4), should be payable.

7.51 In this instance, the proposal is for alterations and extensions to an existing unit with established levels of activity. The resulting activity levels following the completion of the development are not considered to result to a Likely Significant Effect on the protected sites, wither on its own or cumulatively with other projects. On this basis, it is not considered that any mitigation, financial or otherwise, is necessary.

7.52 A condition to require details of the soft landscaping along with measures for biodiversity enhancements is recommended. Subject to such condition the proposal is considered acceptable and policy compliant in the above regards.

Developer Contributions

7.53 Paragraph 57 of the NPPF states 'Planning obligations must only be sought where they meet all of the following tests

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

7.54 The Core Strategy Policy KP3 requires that: "In order to help the delivery of the Plan's provisions the Borough Council will: Enter into planning obligations with developers to

ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.”

Highways

- 7.55 As set out in previous sections of this report, a S106 contribution for the monitoring of the Travel Plan is required and is necessary in highways terms. The contribution would be £1,500 per year for 5 years from first occupation.
- 7.56 The Section 106 contributions required above are considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contributions that are set out above the development could not be considered acceptable. Unless the S106 agreement has been completed the application should be refused on this ground.

Community Infrastructure Levy (CIL)

- 7.57 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes the creation of an additional gross internal area of 2,568m², which may equate to a CIL charge of approximately £32,890.15 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the ‘in-use building’ test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion - Planning Balance

- 8.1 Paragraph 7 of the NPPF states that: “The purpose of the planning system is to contribute to the achievement of sustainable development.” Paragraph 8 states: “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

- 8.2 The supporting information for the application includes an Economic Benefits Statement which highlights that the proposal would succeed in the economic objective for sustainable development. In terms of the social objective, the provision of additional facilities as well as a more cohesive and better-designed venue in the area are part of the positive aspects of the proposal. The perceived resulting negatives for the local community as expressed in the received objections is a less positive aspect, albeit the proposal offers the opportunity for improvement on many of the re-occurring issues reported in the local resident's objections. In relation to the environmental objective, whilst the demolition, construction activities and increased activity on site are less positive aspects due to the associated carbon footprint, the improvement in the built fabric, the provision of renewable energy sources on site and the measures to improve the local environment are positive aspects of the proposal. Overall, it is considered that the proposal would represent sustainable development.
- 8.3 Having taken all material planning considerations into account it is found that subject to compliance with the attached conditions and the completion of the recommended S.106 legal agreement, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant local and national planning policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development and the proposal is considered to be acceptable in all other relevant regards. This application is therefore recommended for approval subject to conditions and the completion of the S.106 agreement.

9 Recommendation

9.1 Members are recommended to:

- (a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- Highways contribution - £1,500.00 per year for 5 years from first occupation for monitoring of the travel plan.
- (b) That the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

General Conditions

- 01 The development hereby permitted shall begin no later than three years beginning with the date of this permission.

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 (2021), Policies KP2 and CP1 of the Core Strategy (2007) and Policies DM10, DM11 and DM12 of the Development Management Document (2015).

Design and visual impact

- 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 occupied.**

Reason: In the interest of visual amenity of the area 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).

- 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 (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).

- 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 (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).

- 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 (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).

- 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 (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).

Residential amenity

- 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 (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).

- 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 (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).

- 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 (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).

- 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 (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).

- 13 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).

- 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 (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).

- 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 Design and Townscape Guide (2009).

- 16 Notwithstanding the information submitted and otherwise hereby approved, the proposed substation 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 (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).

Highways

- 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 (2021), 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 (2021), 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 (2021), 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).

Waste management

- 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 (2021), 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 Design and Townscape Guide (2009) and Waste Storage, Collection and Management Guide for New Developments (2019).

Energy and water sustainability

- 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 (2021), 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).

Flooding and water drainage

- 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 should 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 should provide a Catchment Plan. This should include any permeable and impermeable areas draining into the system.**
- 5) **The applicant should provide a Detailed Drainage Plan which should show the proposed point of connection and flow control chamber. Evidence should be provided for the acceptance from Anglian Water and the proposed construction details for the connection into the sewer.**
- 6) **The application should 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 should 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 should 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 should present a process for information delivery and community engagement to relevant stakeholders. This may not be applicable but the applicant should confirm.**
- 10) **Where applicable, the applicant should provide any economic valuation costs to demonstrate long-term viability.**
- 11) **The details of the management agent responsible for maintenance should be provided. The maintenance schedule provided by the applicant should consider the requirements of permeable pavement in CIRIA's SuDS Manual.**
- 12) **The applicant should provide proposals for foul drainage.**
- 13) **The applicant should be reminded that 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 (2021) and Policies KP1 and KP2 of the Core Strategy (2007).

Positive and Proactive Statement

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.

- (c) In the event that the planning obligation referred to in part (a) above has not been completed before 12th January 2022 or an extension of this time as may be agreed by the Director of Planning or Head of Planning and Building Control, authority is delegated to the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for the Travel Plan monitoring. As such, the proposal would be contrary to National and Local Planning Policy.

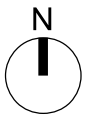
Informatives:

- 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 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.
- 3 The granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for this. Applications for permanent vehicular crossings made under Planning Legislation consider a broader range of criteria in comparison to applications made under Highways legislation. They are separate regimes and different requirements apply to each.

- 4 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.**
- 5 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.**
- 6 Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.**
- 7 Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.**
- 8 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.**
- 9 Please note that the apparatus that has been identified as being in the vicinity of your proposed works is: Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity).**
- 10 You are reminded that there is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.**



0 10m 20m 30m



Revision	Date	Description
A	10/09/2021	Planning

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The sizing of all structural and service elements must always be checked against the relevant engineers drawings. No reliance should be placed upon sizing information shown on this drawing.

Project
Roslin Beach Hotel
 Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

Drawing Title
 Location Plan
 Existing

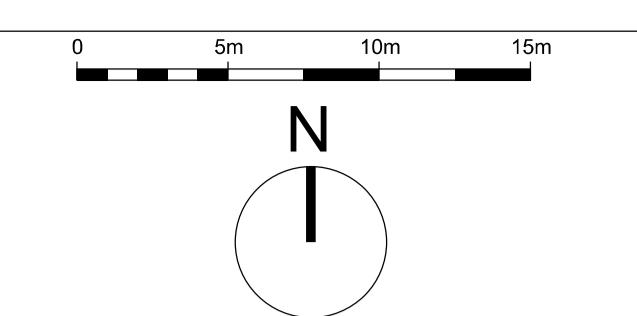
Drawing Number	Revision
WP-0753-A-0000-P-00	A
Scale @ A3 / A1	Revision Date
1:1250 / 625	10/09/2021

Drawing Purpose
 PLANNING

WIMSHURST PELLERITI

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Revision	Date	Description
A	10/09/2021	Planning

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Project
Roslin Beach Hotel
 Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

Drawing Title
 Block Plan
 Existing

Drawing Number	Revision
WP-0753-A-0001-P-00	A

Scale @ A1 / A3	Revision Date
1:250 / 500	10/09/2021

Drawing Purpose
 PLANNING

WIMSHURST PELLERITI

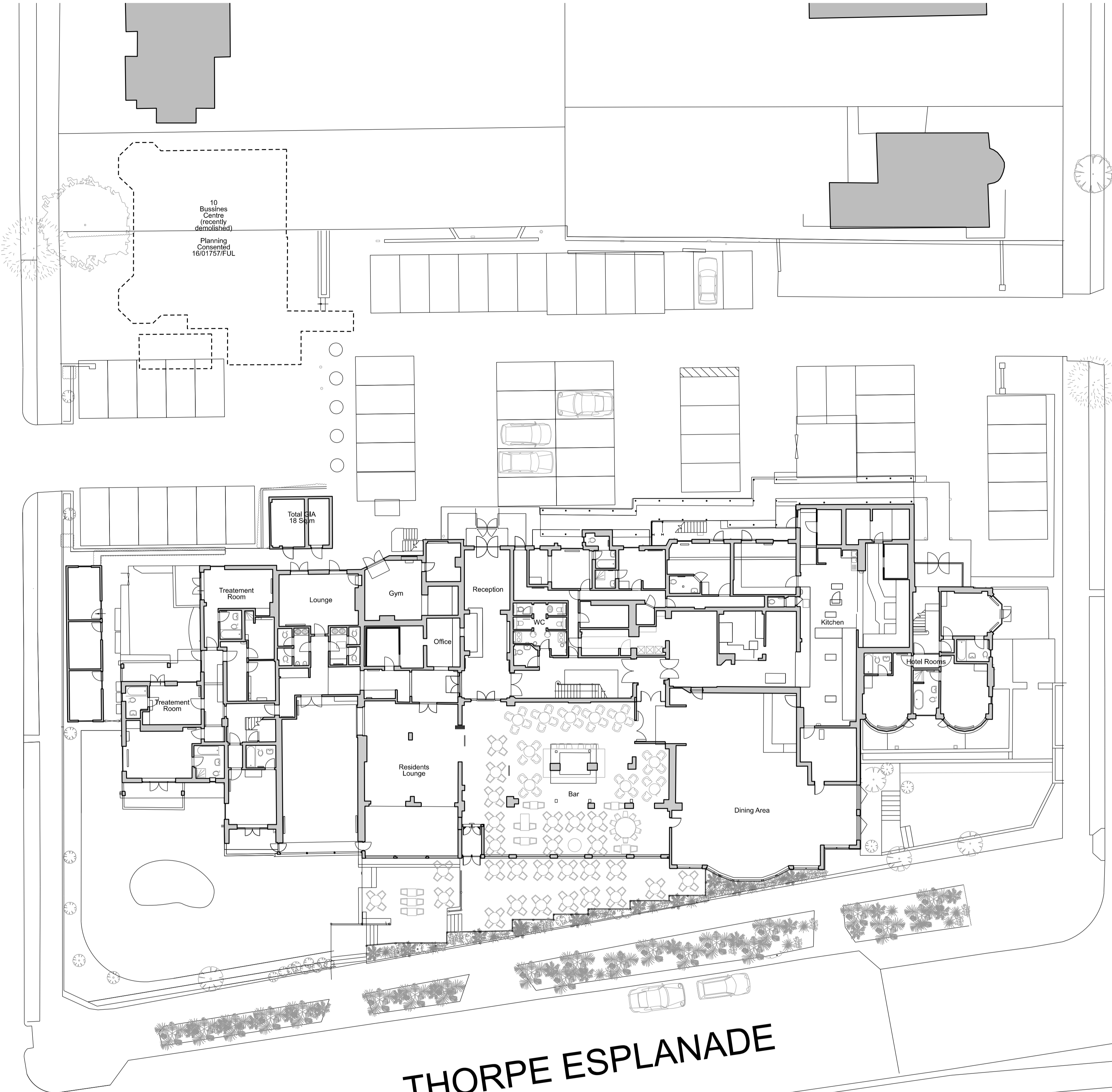
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 6 Putney Common, SW15 1HL
 0208 780 2206
 info@wp.uk.com
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CLIEVEDEN ROAD

WALTON ROAD

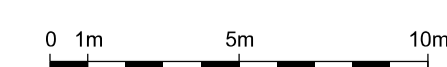
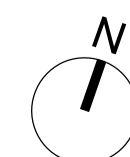
THORPE ESPLANADE



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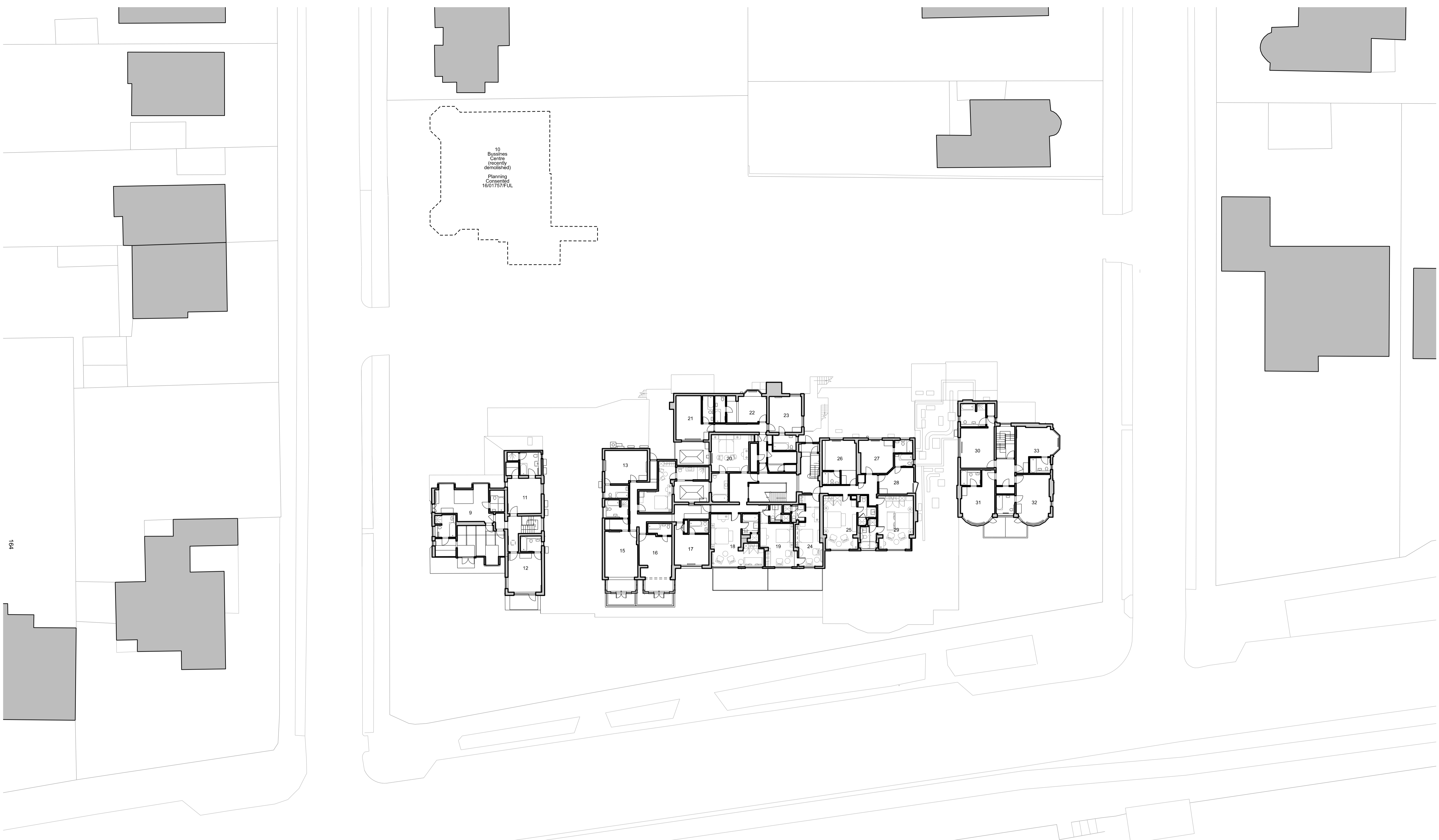
Revision	Date	Description
A	10/09/2021	Planning

project
Roslin Beach Hotel
 Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

drawing number	revision
WP-0753-A-0003-P-00	A
scale @ A1 / A3	revision date
1:200 / 400	10/09/2021
drawing purpose	
PLANNING	

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10
Business
Centre
(recently
demolished)
Planning
Consented
16/01757/FUL

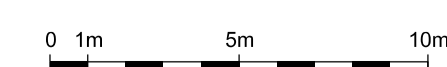


164

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Revision	Date	Description
A	10/09/2021	Planning

project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

drawing number
WP-0753-A-0004-P-01

scale @ A1 / A3
1:200 / 400

drawing purpose
PLANNING

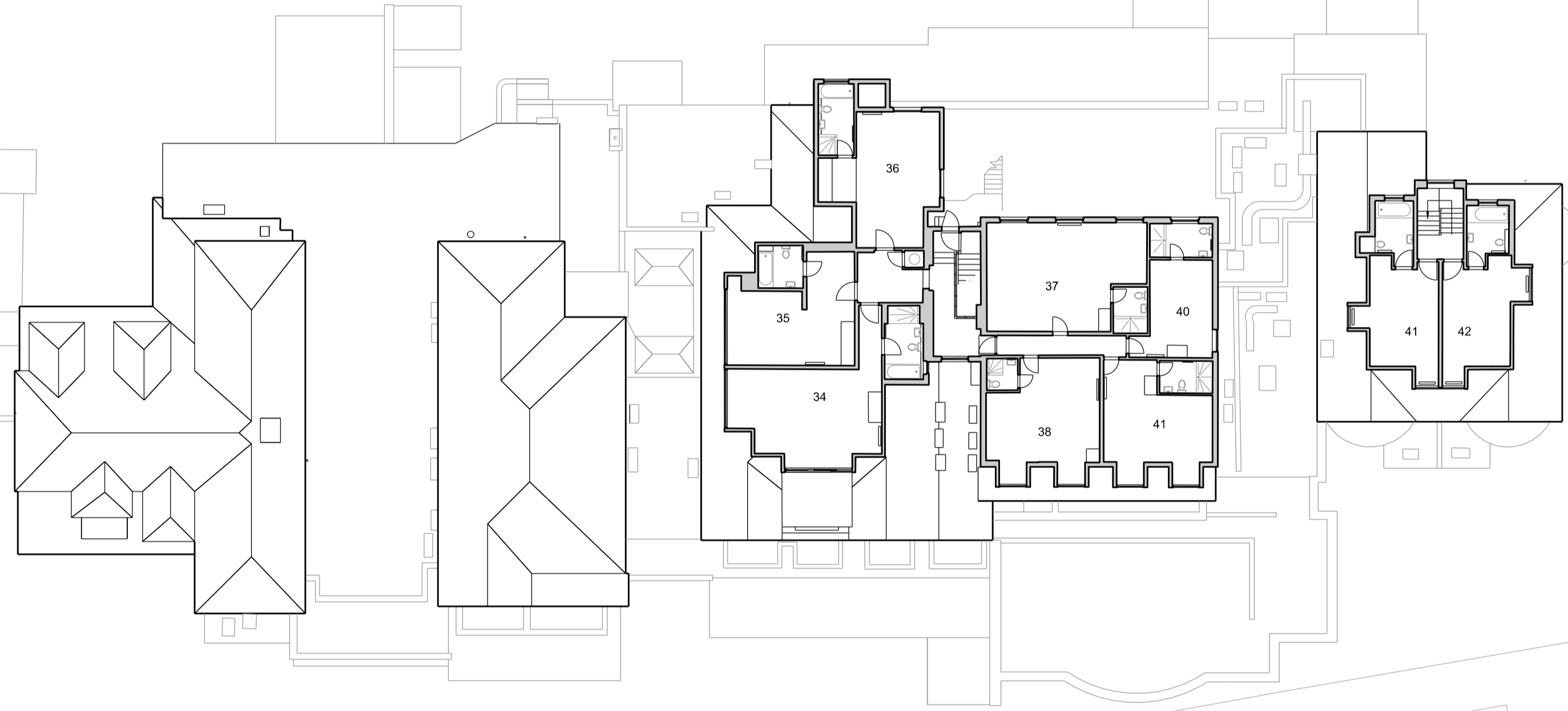
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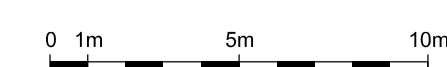
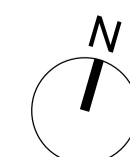
10
Business
Centre
(recently
demolished)
Planning
Consented
16/01757/FUL



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Revision	Date	Description
A	10/09/2021	Planning

project
Roslin Beach Hotel
 Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG
 drawing title
Second Floor Plan
 Existing

drawing number	revision
WP-0753-A-0005-P-02	A

scale @ A1 / A3	revision date
1:200 / 400	10/09/2021

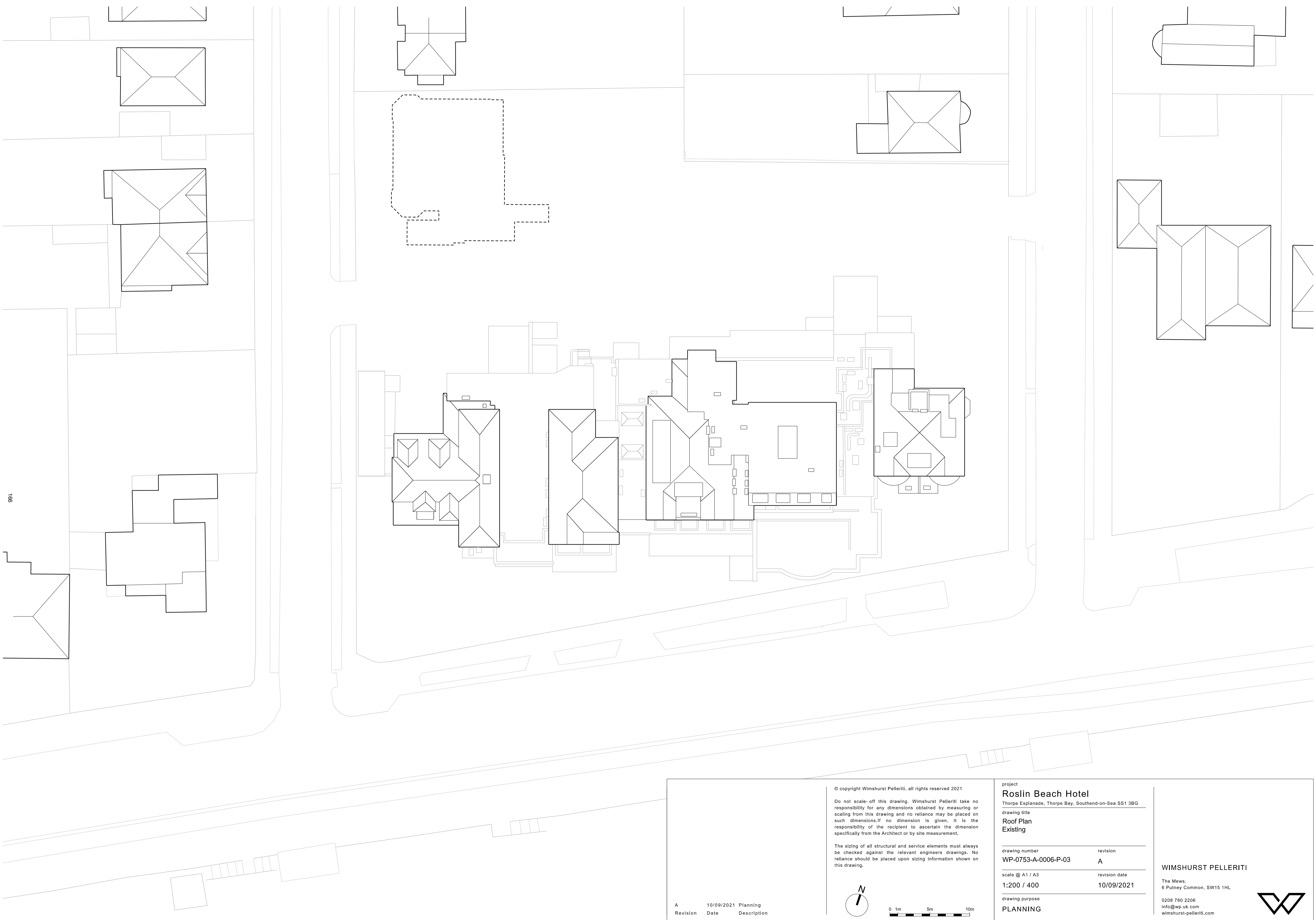
drawing purpose
PLANNING

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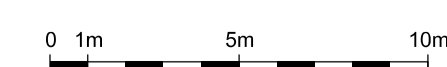
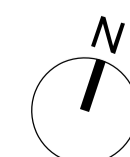


166

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Revision	Date	Description
A	10/09/2021	Planning

project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

drawing title
Roof Plan
Existing

drawing number
WP-0753-A-0006-P-03

revision
A

scale @ A1 / A3
1:200 / 400

revision date
10/09/2021

drawing purpose
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01
0020

Existing

Front Elevation

1:100@A1

157


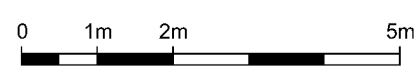


02
0020

Existing

Rear Elevation

1:100@A1

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<table border="1"> <thead> <tr> <th>Revision</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>10/09/2021</td> <td>Planning</td> </tr> </tbody> </table>			Revision	Date		Description	A	10/09/2021	Planning	<table border="1"> <tr> <td>drawing number WP-0753-A-0020-E-XX</td> <td>revision A</td> </tr> <tr> <td>scale @ A1 / A3 1:100 / 200</td> <td>revision date 10/09/2021</td> </tr> <tr> <td colspan="2">drawing purpose DRAFT</td> </tr> </table>		drawing number WP-0753-A-0020-E-XX	revision A	scale @ A1 / A3 1:100 / 200	revision date 10/09/2021	drawing purpose DRAFT	
Revision	Date	Description															
A	10/09/2021	Planning															
drawing number WP-0753-A-0020-E-XX	revision A																
scale @ A1 / A3 1:100 / 200	revision date 10/09/2021																
drawing purpose DRAFT																	
																	
<p>DRAFT</p>																	



Bussines Centre (recently demolished)
 Planning Consented 16/01757/FUL

03
 0021 Existing East Elevation
 1:100@A1



Bussines Centre (recently demolished)
 Planning Consented 16/01757/FUL

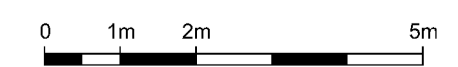
04
 0021 Existing West Elevation
 1:100@A1

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Revision	Date	Description
A	10/09/2021	Planning

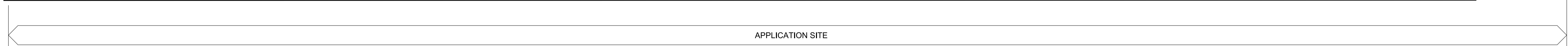


project
Roslin Beach Hotel
 Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG
 drawing title
Side Elevations
 Existing

drawing number	revision
WP-0753-A-0021-E-XX	A
scale @ A1 / A3	revision date
1:100 / 200	10/09/2021
drawing purpose	
DRAFT	

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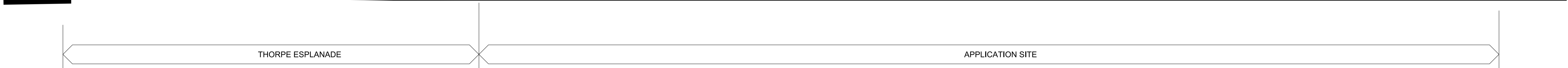
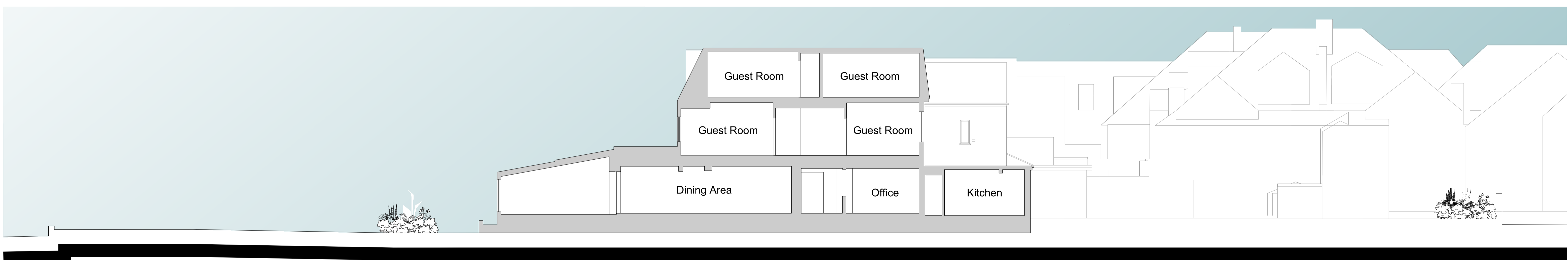




01
0030 Existing

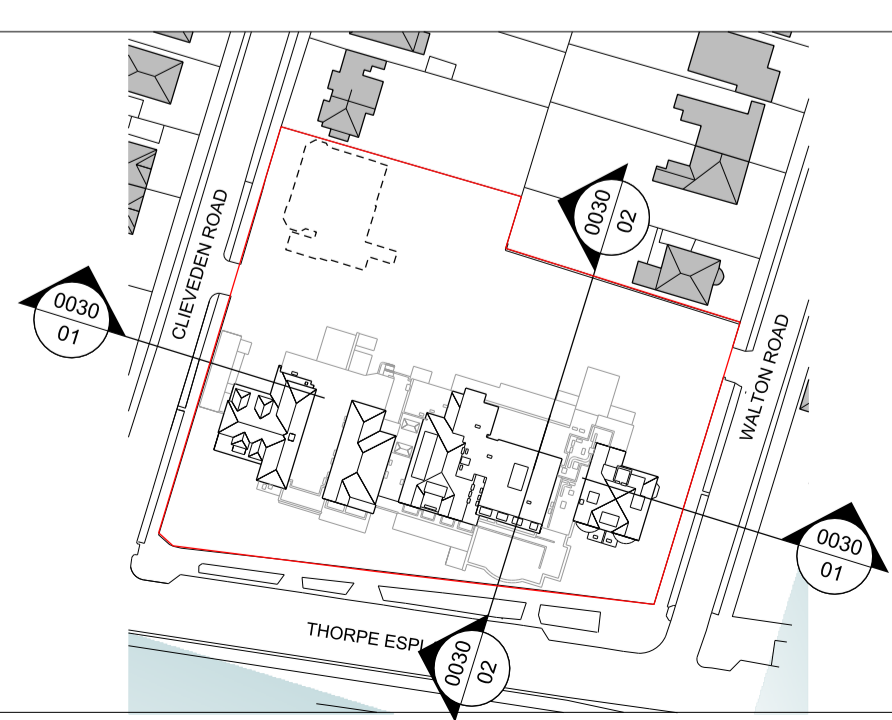
Section AA
1:100@A1

169



02
0030 Existing

Section BB
1:100@A1



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Revision	Date	Description
A	10/09/2021	Planning

0 1m 2m 5m

project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

drawing title
Sections Existing

drawing number WP-0753-A-0030-S-XX	revision A
scale @ A1 / A3 1:100 / 200	revision date 10/09/2021

drawing purpose
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CLIEVEDEN ROAD

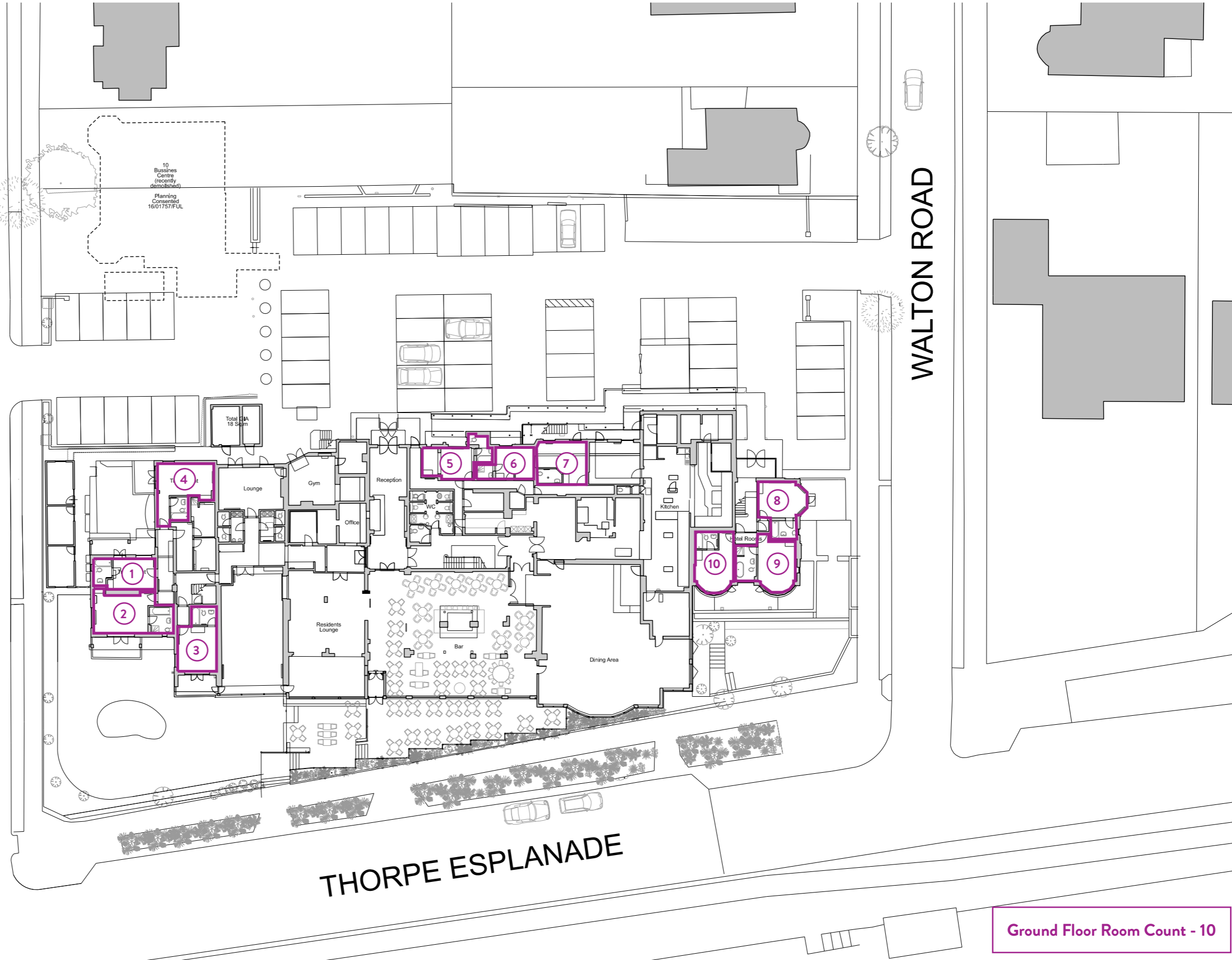
WALTON ROAD

THORPE ESPLANADE

171

10
Business
Centre
(recently
demolished)
Planning
Consented
16/01757/FUL

Total
18 Seem



Ground Floor Room Count - 10

Existing Room Count Markup

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0 1m 5m 10m

Revision	Date	Description
A	10/09/2021	Planning

project
Roslin Beach Hotel
 Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG
 drawing title
First Floor Plan Existing

drawing number WP-0753-A-0003-P-00	revision A
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scale @ A1 / A3 1:200 / 400	revision date 10/09/2021
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drawing purpose
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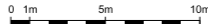



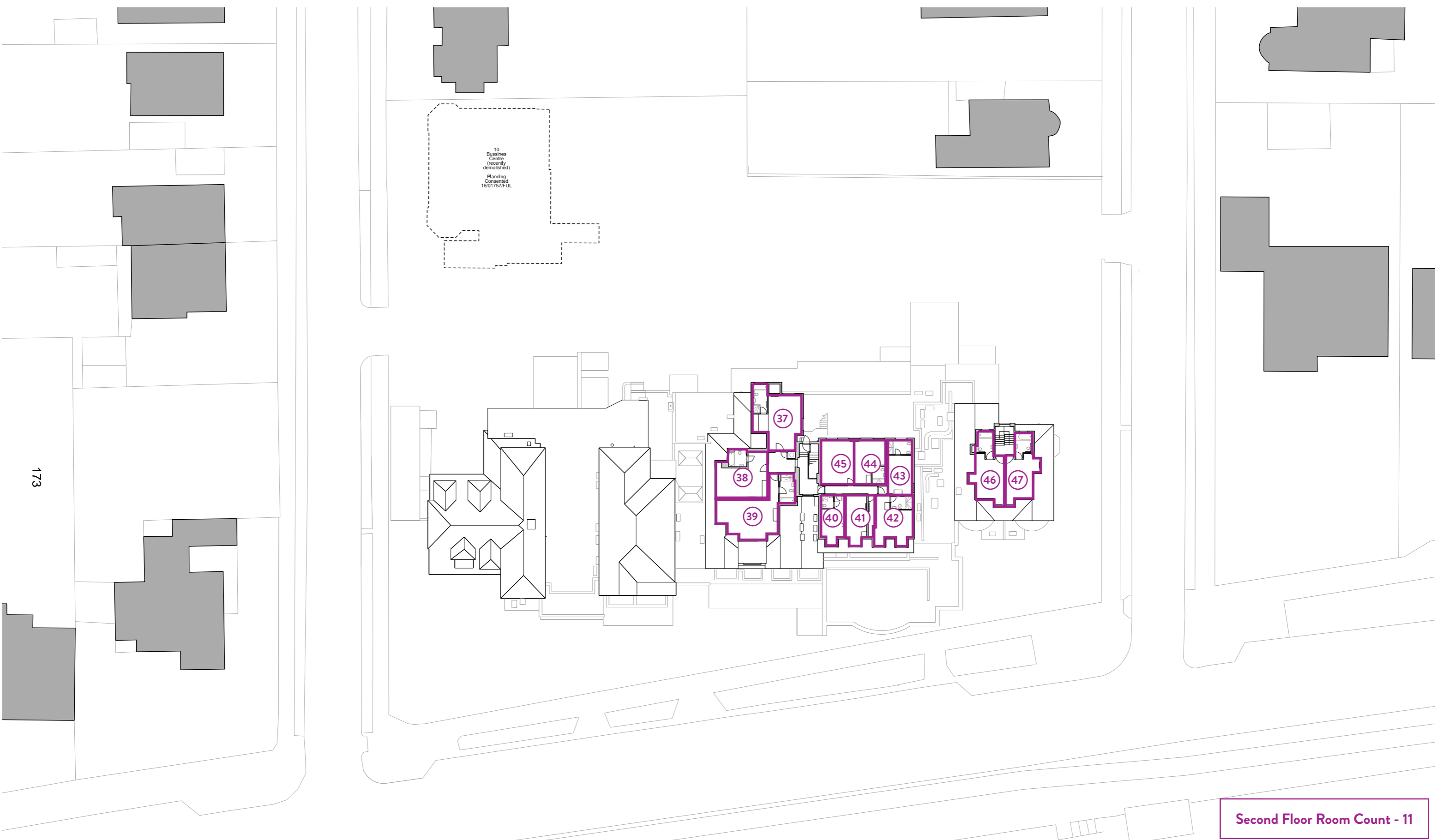
10
Business
Centre
(recently
demolished)
Planning
Consented
16/01757/FUL

172

First Floor Room Count - 26


Existing Room Count Markup


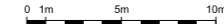
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<p>10/09/2021 Planning</p> <p>Revision Date Description</p>		<p>drawing number WP-0753-A-0004-P-01</p> <p>scale @ A1 / A3 1:200 / 400</p> <p>drawing purpose PLANNING</p>		<p>revision A</p> <p>revision date 10/09/2021</p>	
		<p>0 1m 5m 10m</p> 		<p>N</p> 	



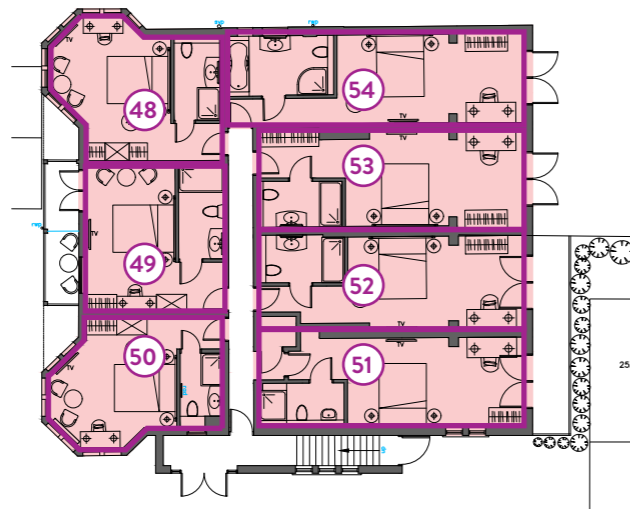
Second Floor Room Count - 11

Existing Room Count Markup

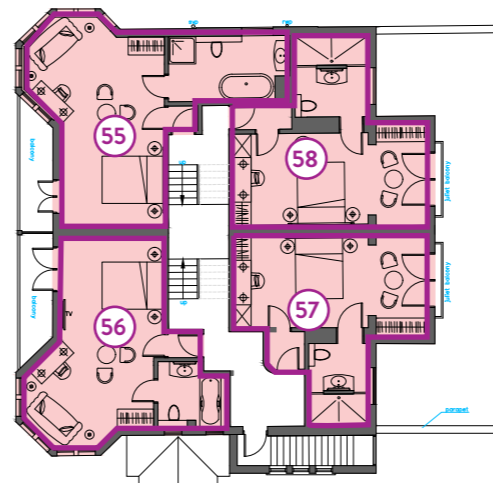
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<p>A 10/09/2021 Planning Revision Date Description</p>		<p>drawing number revision WP-0753-A-0005-P-02 A</p> <p>scale @ A1 / A3 revision date 1:200 / 400 10/09/2021</p> <p>drawing purpose PLANNING</p>		

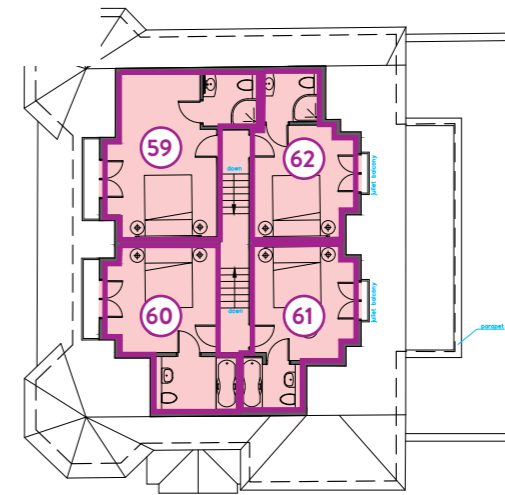
**Existing Room Count Markup
Consented 10 Clievdn Road Plans**



Consented Ground Floor Plan

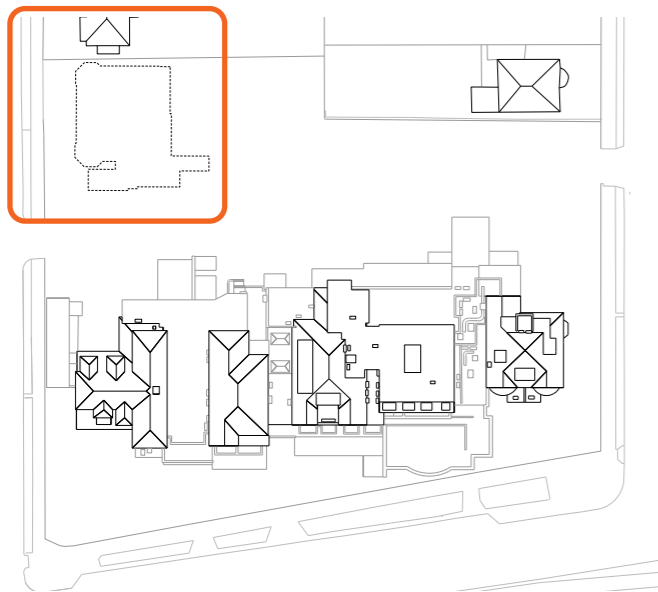


Consented First Floor Plan



Consented Second Floor Plan

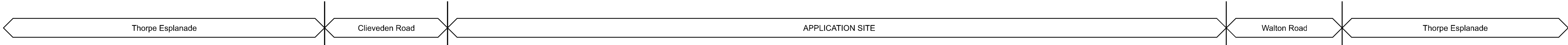
*Drawings by ADS Design Associates



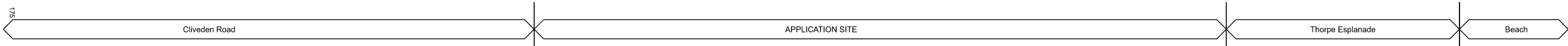
10 Clievdn Road Count - 15

Room Count Summary

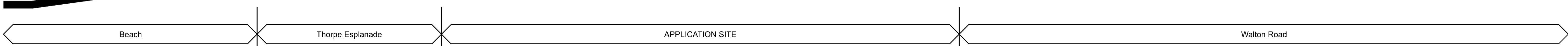
GF	10 Rooms
L01	26 Rooms
L02	11 Rooms
10 CR	15 Rooms
Total	62 Rooms



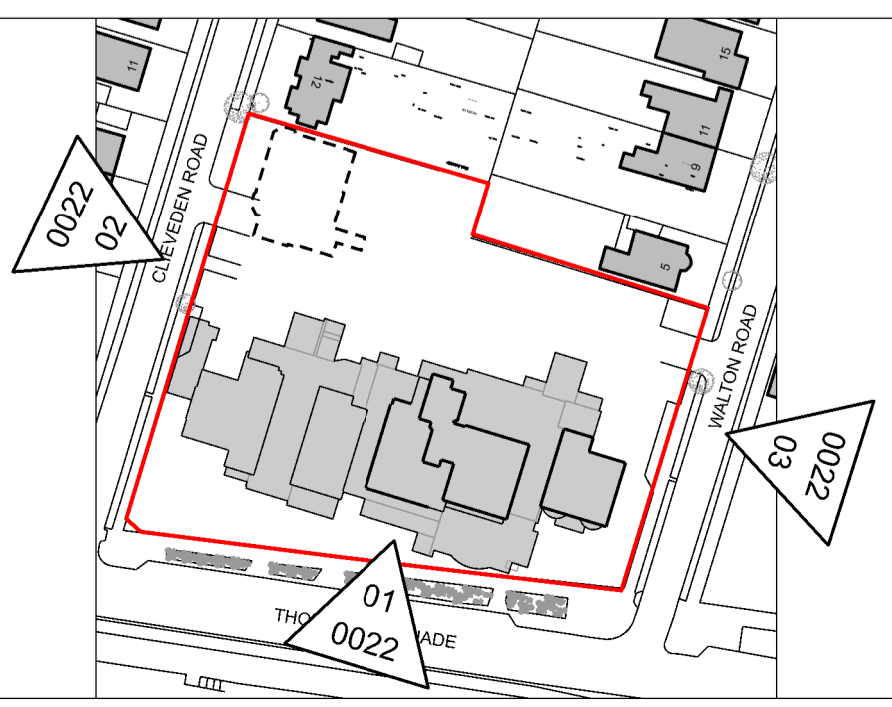
01
0022 Existing Front Elevation 1:200@A1



02
0022 Existing West Elevation 1:200@A1



03
0022 Existing East Elevation 1:200@A1



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0 1m 2m 5m

Revision	Date	Description
A	10/11/2021	Planning

project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

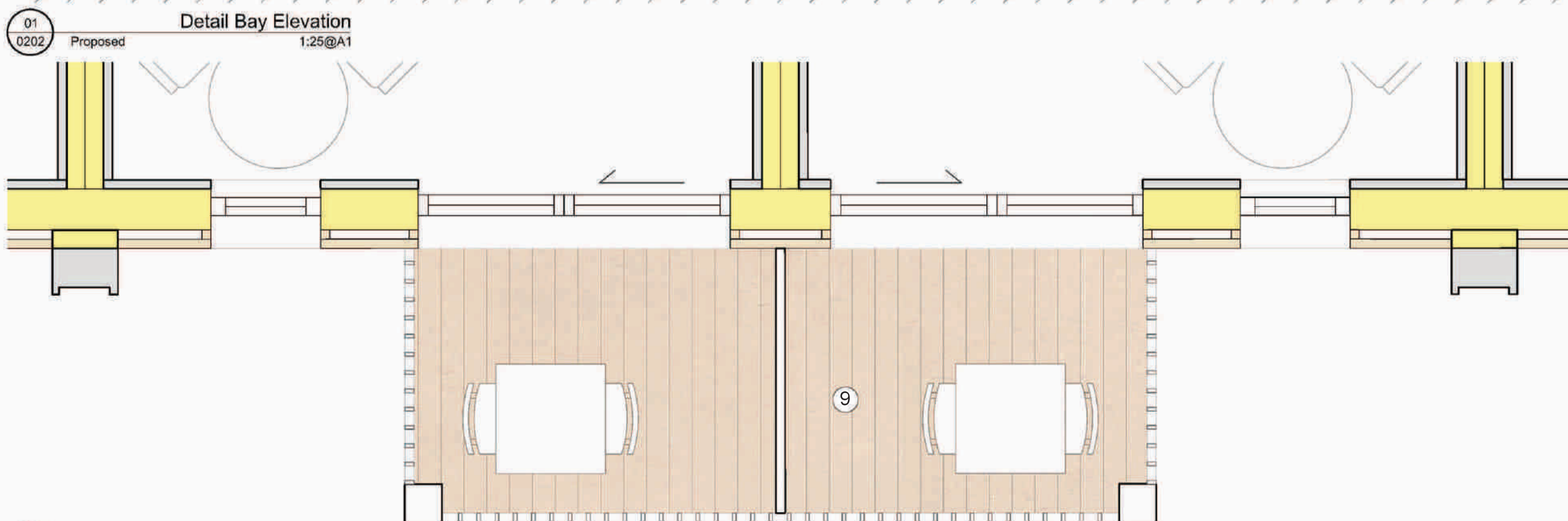
drawing title
Front and Side Context Elevations Existing

drawing number WP-0753-A-0022-E-XX	revision A
scale @ A1 / A3 1:200	revision date 10/11/2021
drawing purpose PLANNING	

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02
0202 Proposed
Detail Bay Plan
1:25@A1



03
0202 Proposed
Detail Bay Section
1:25@A1



- Materials key:
1. Terracotta Roof Tile
 2. White Painted Metal / Timber Frame White
 3. Painted Metal / Timber Balustrade
 4. White painted Aluminum / Timber window frames with clear double glazing
 5. Horizontal rain-screen Timber / Composite cladding
 6. Clear glazed wind screens
 7. Rendered masonry retaining wall
 8. White painted metal / timber fascia
 9. Timber decking
 10. Stone
 11. Timber
 12. Green roof
 13. Timber privacy screen

Revision	Date	Description
A	10/09/2021	Planning

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Project
Roslin Beach Hotel
 Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

Drawing Title
Typical Hotel Room Bay Details
 Proposed

Drawing Number	Revision
WP-0753-A-0202-E-XX	A


Scale @ A1 / A3	Revision Date
1:25 / 50	10/09/2021

Drawing Purpose
PLANNING

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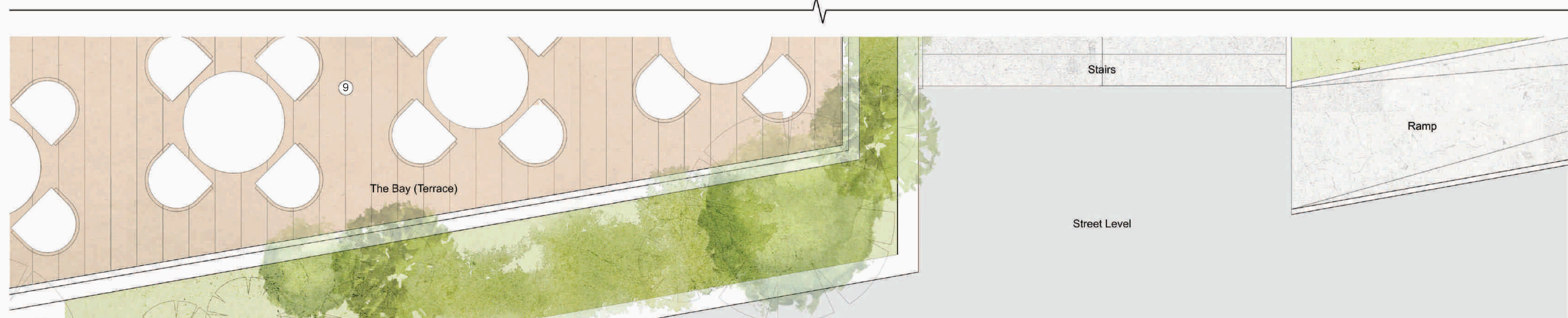
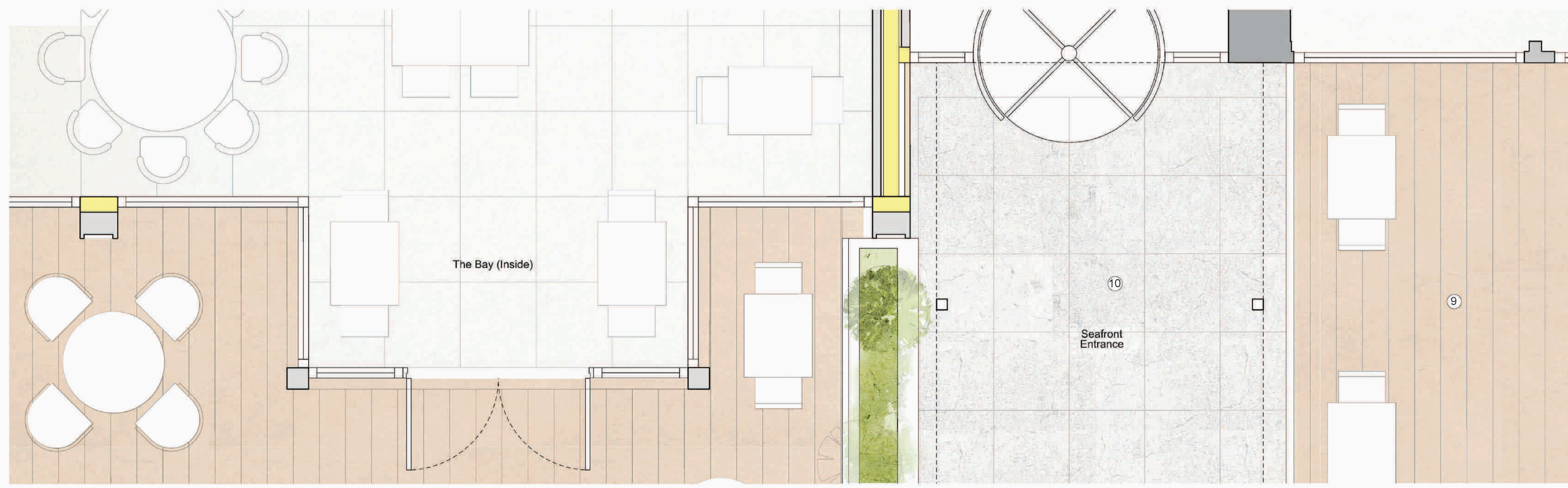
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- Materials key:
1. Terracotta Roof Tile
 2. White Painted Metal / Timber Frame
 3. White
 4. Painted Metal / Timber Balustrade
 5. White painted Aluminum / Timber window frames with clear double glazing
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 7. Clear glazed wind screens
 8. Rendered masonry retaining wall
 9. White painted metal / timber fascia
 10. Stone
 11. Timber
 12. Green roof
 13. Timber privacy screen



01
0203 Proposed
Detail Bay Elevation
1:25@A1



02
0203 Proposed
Detail Bay Plan
1:25@A1

Revision	Date	Description
A	10/09/2021	Planning

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Project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

Drawing Title
Front Entrance & Function Space Bay Details
Proposed

Drawing Number	Revision
WP-0753-A-0203-E-XX	A


Scale @ A1 / A3	Revision Date
1:25 / 50	10/09/2021

Drawing Purpose
PLANNING

WIMSHURST PELLERITI

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0 50cm 1m 1.5m

- Materials key:
1. Terracotta Roof Tile
 2. White Painted Metal / Timber Frame White
 3. Painted Metal / Timber Balustrade
 4. White painted Aluminum / Timber window frames with clear double glazing
 5. Horizontal rain-screen Timber / Composite cladding
 6. Clear glazed wind screens
 7. Rendered masonry retaining wall
 8. White painted metal / timber fascia
 9. Timber decking
 10. Stone
 11. Timber
 12. Green roof
 13. Timber privacy screen

Revision	Date	Description
A	10/09/2021	Planning

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Project
Roslin Beach Hotel
 Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

Drawing Title
Typical Function Space & Terrace Detail Section Proposed

Drawing Number	Revision
WP-0753-A-0204-E-XX	A

Scale @ A1 / A3	Revision Date
1:25 / 50	10/09/2021

Drawing Purpose
PLANNING

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 wimshurst-pelleriti.com

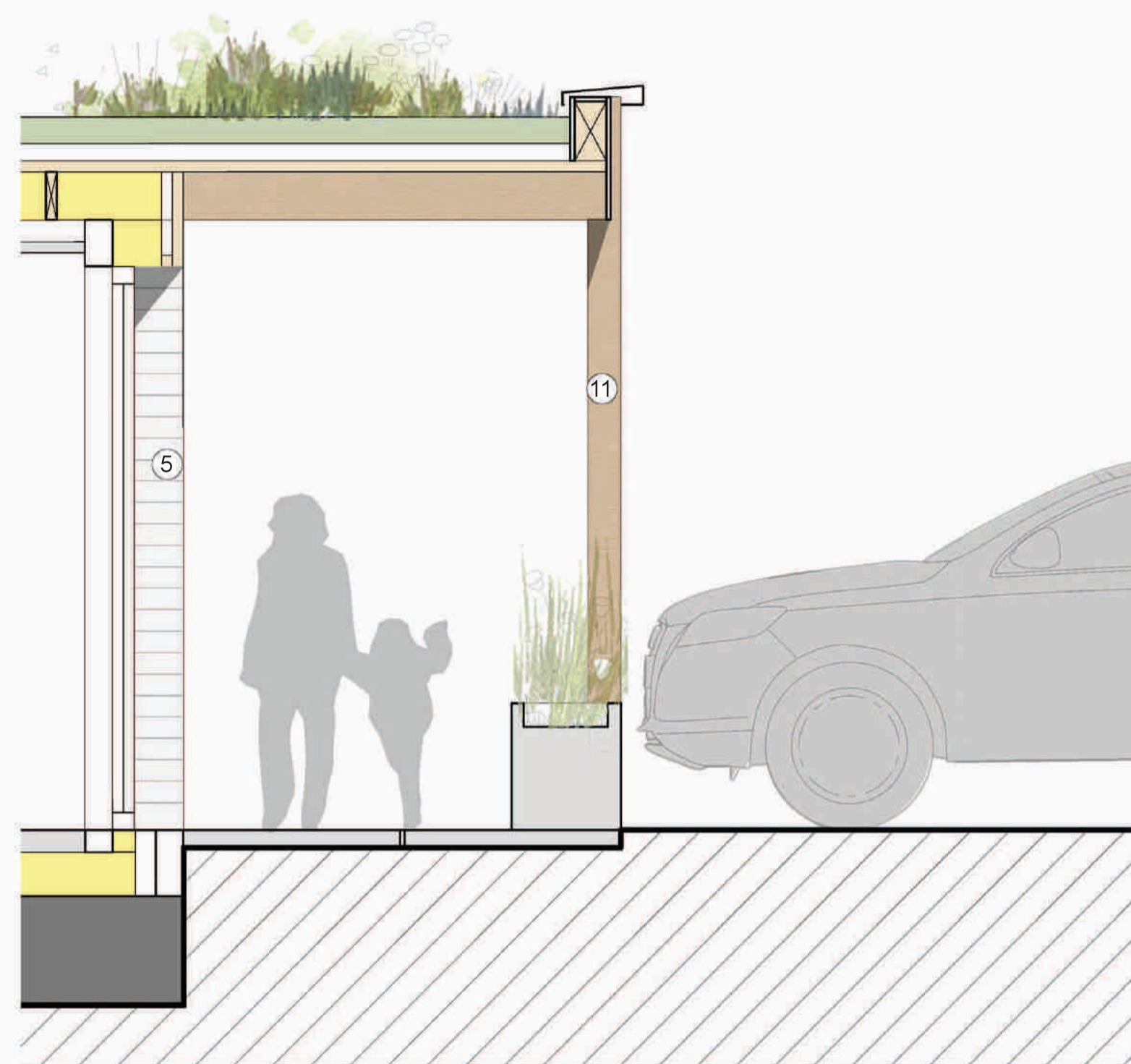


01
 0204
 Proposed
 Detail Bay Section
 1:25@A1

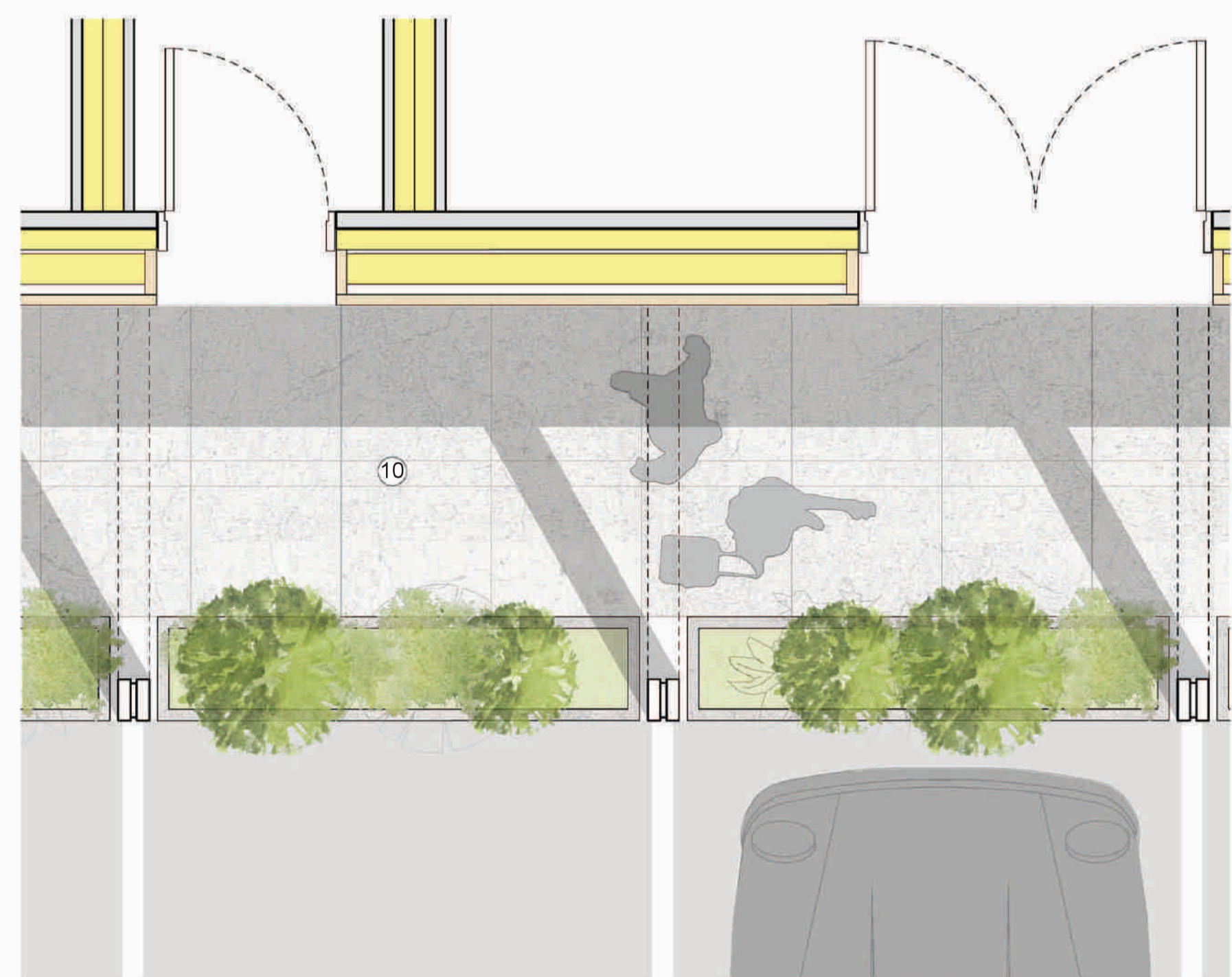
- Materials key:
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 2. White Painted Metal / Timber Frame White
 3. Painted Metal / Timber Balustrade
 4. White painted Aluminum / Timber window frames with clear double glazing
 5. Horizontal rain-screen Timber / Composite cladding
 6. Clear glazed wind screens
 7. Rendered masonry retaining wall
 8. White painted metal / timber fascia
 9. Timber decking
 10. Stone
 11. Timber
 12. Green roof
 13. Timber privacy screen



01
0205 Proposed Detail Bay Elevation 1:25@A1



03
0205 Proposed Detail Bay Section 1:25@A1



02
0205 Proposed Detail Bay Plan 1:25@A1

Revision	Date	Description
A	10/09/2021	Planning

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Project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

Drawing Title
North Colonnade Bay Details
Proposed

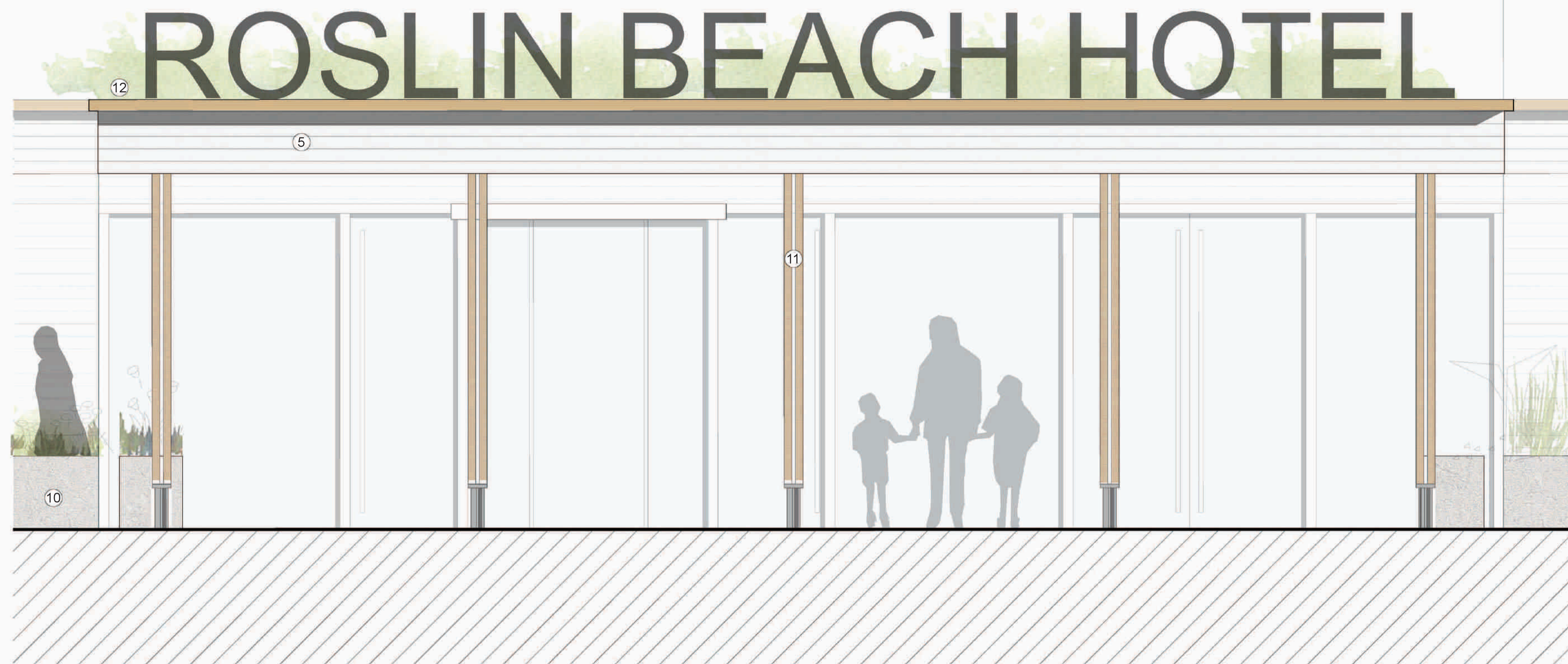
Drawing Number	Revision
WP-0753-A-0205-E-XX	A
Scale @ A1 / A3	Revision Date
1:25 / 50	10/09/2021

Drawing Purpose
PLANNING

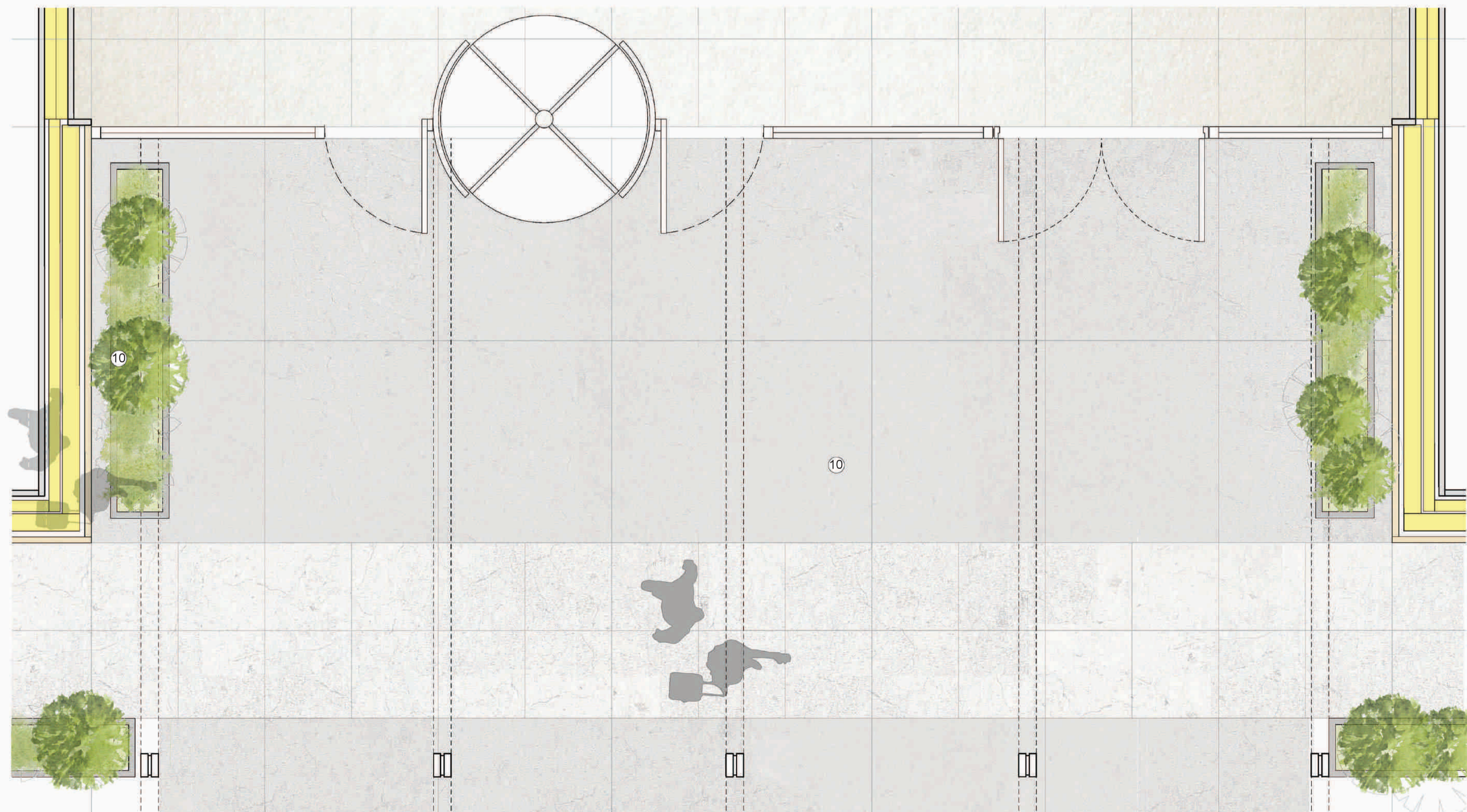
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01
0206 Proposed Detail Bay Elevation 1:25@A1



02
0206 Proposed Detail Bay Plan 1:25@A1

0 50cm 1m 1.5m

Materials key:

1. Terracotta Roof Tile
2. White Painted Metal / Timber Frame White
3. Painted Metal / Timber Balustrade
4. White painted Aluminum / Timber window frames with clear double glazing
5. Horizontal rain-screen Timber / Composite cladding
6. Clear glazed wind screens
7. Rendered masonry retaining wall
8. White painted metal / timber fascia
9. Timber decking
10. Stone
11. Timber
12. Green roof
13. Timber privacy screen

Revision	Date	Description
A	10/09/2021	Planning

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Project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

Drawing Title
Main Entrance Bay Details
Proposed

Drawing Number	Revision
WP-0753-A-0206-E-XX	A
Scale @ A1 / A3	Revision Date
1:25 / 50	10/09/2021

Drawing Purpose
PLANNING

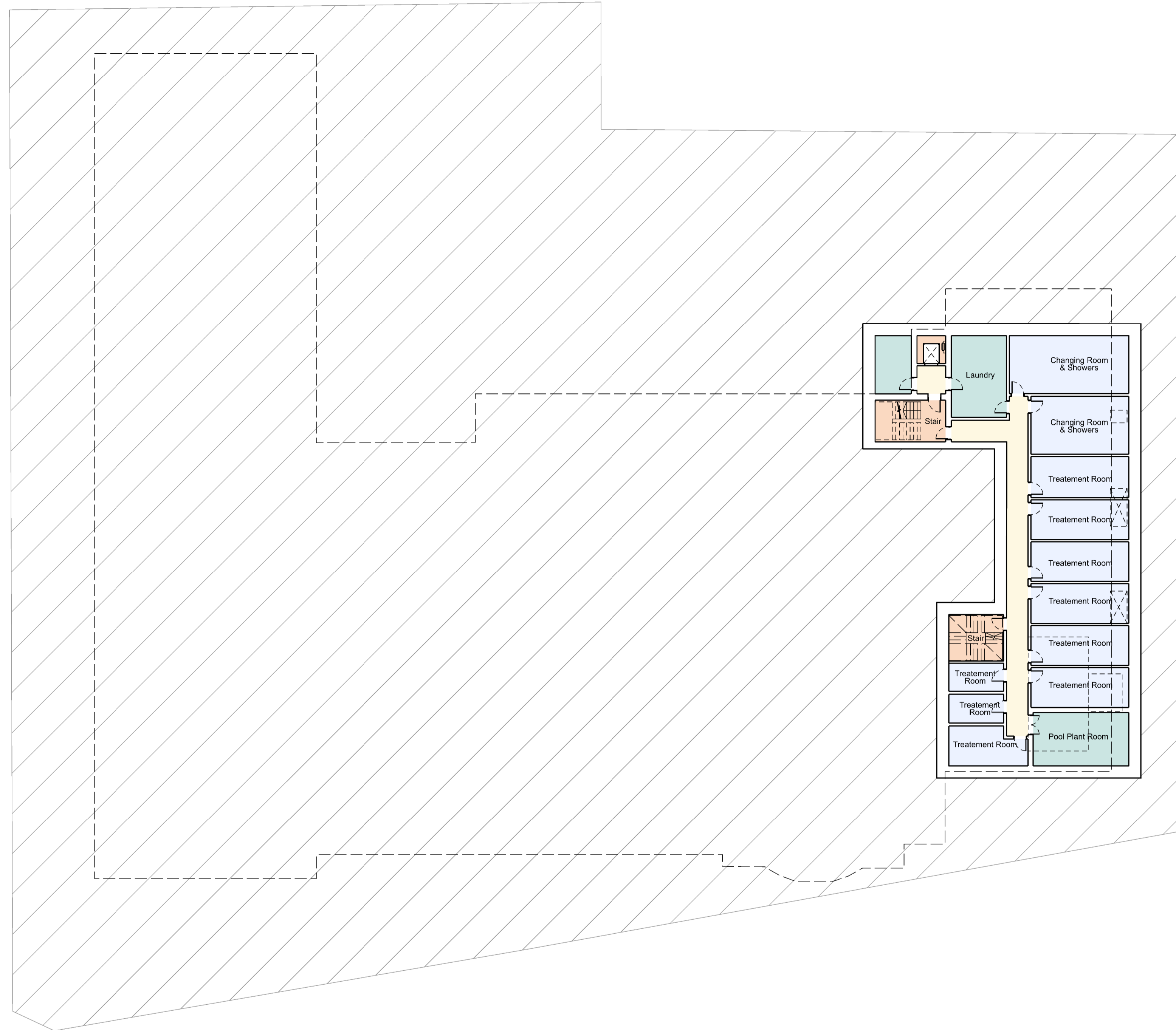
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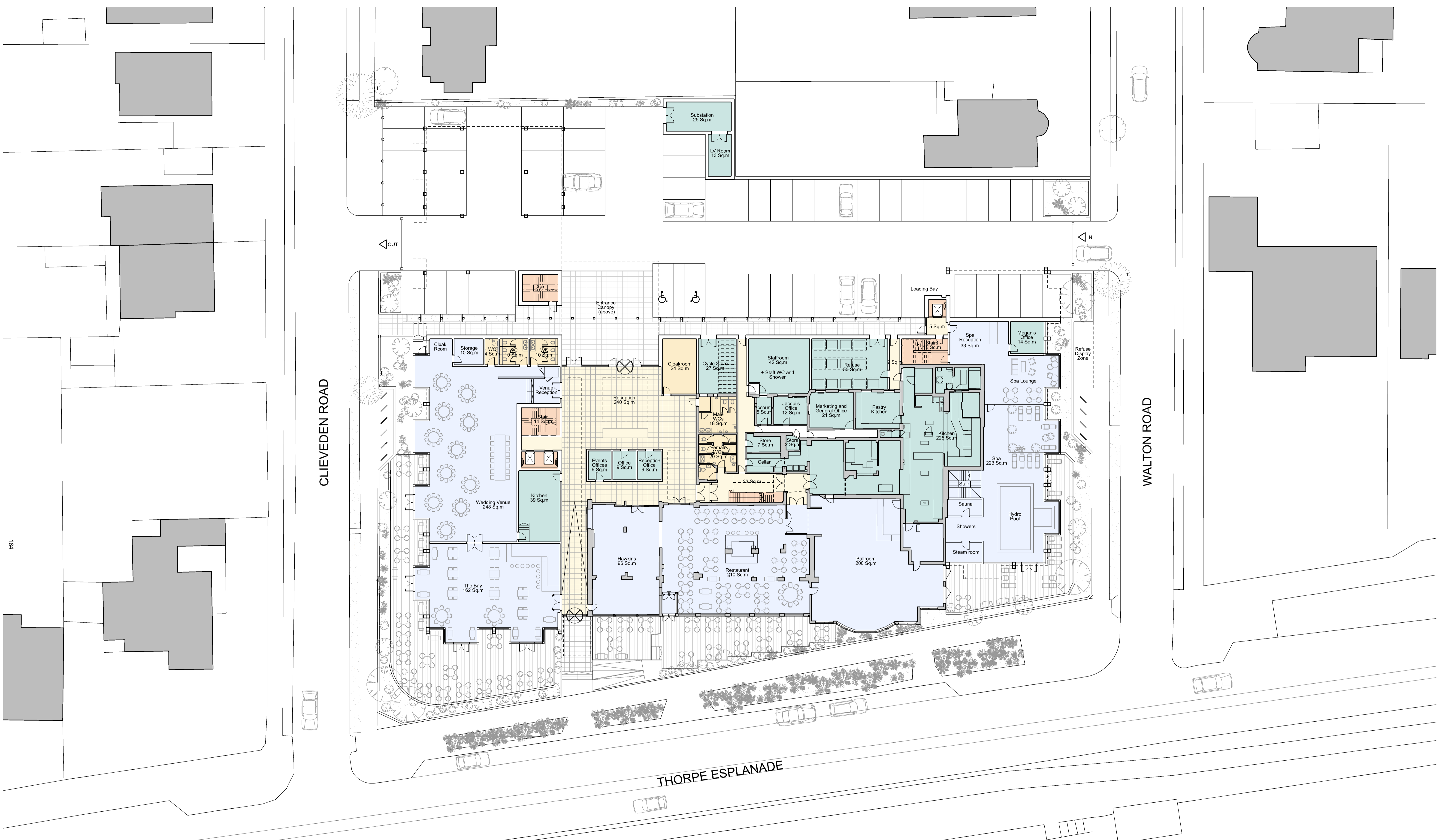
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<p>A</p>			<p>drawing number revision WP-0753-A-0099-P-B1 A</p>		
<p>Revision Date Description</p>			<p>scale @ A1 / A3 revision date 1:200 / 400 10/09/2021</p>		
<p>10/09/2021 Planning</p>			<p>drawing purpose PLANNING</p>		







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CLIVEDEN ROAD

WALTON ROAD

THORPE ESPLANADE

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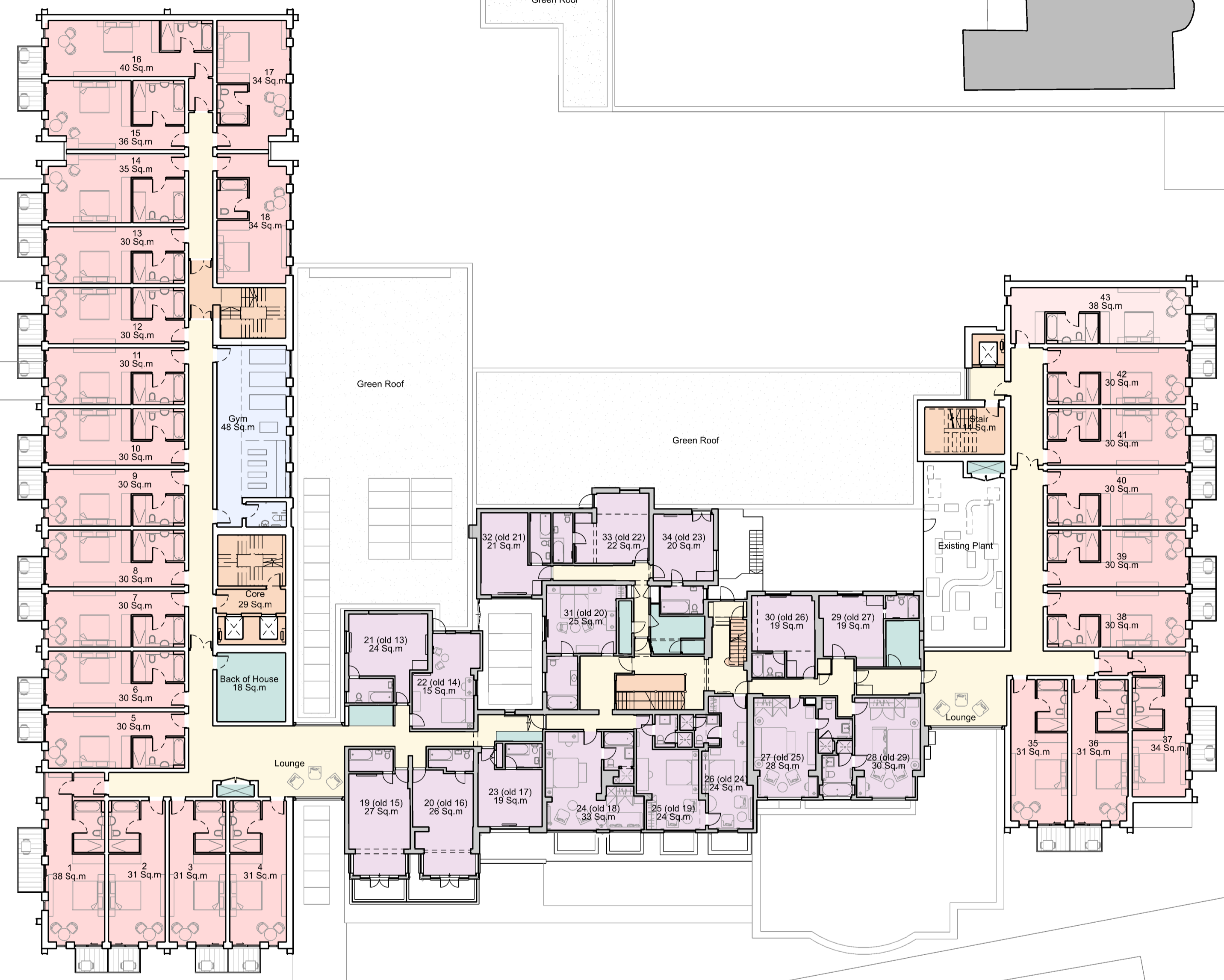
Project
Roslin Beach Hotel
 Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG
 drawing title
Ground Floor Plan
 Proposed

drawing number WP-0753-A-0100-P-00	revision A
scale @ A1 / A3 1:200 / 400	revision date 10/09/2021
drawing purpose PLANNING	

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Revision	Date	Description
A	10/09/2021	Planning

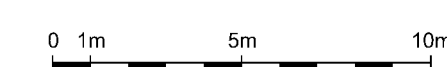
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Revision	Date	Description
A	10/09/2021	Planning

Project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

Drawing title
First Floor Plan Proposed

Drawing number
WP-0753-A-0101-P-01

Scale @ A1 / A3
1:200 / 400

Drawing purpose
PLANNING

Revision
A

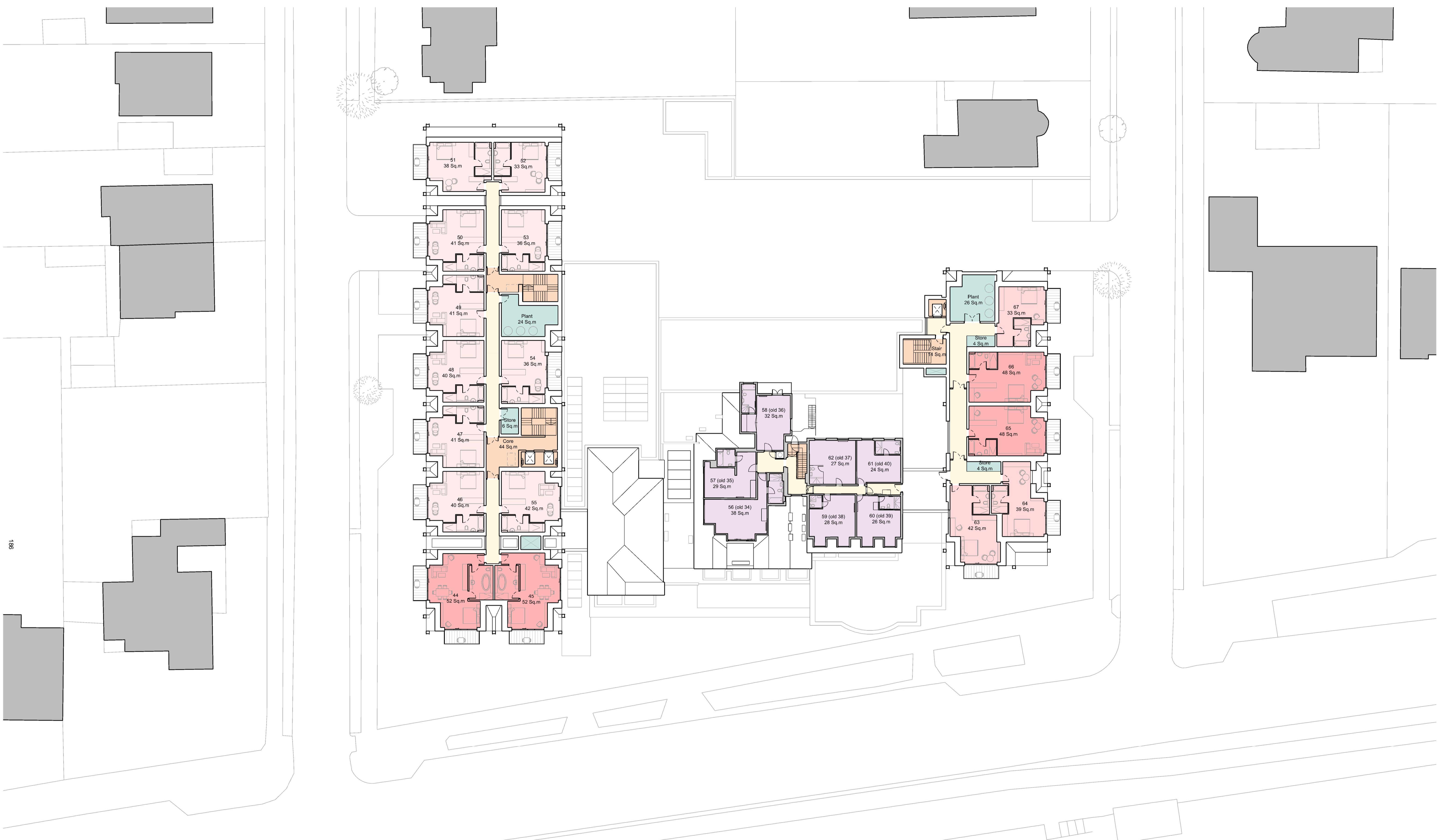
Revision date
10/09/2021

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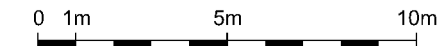
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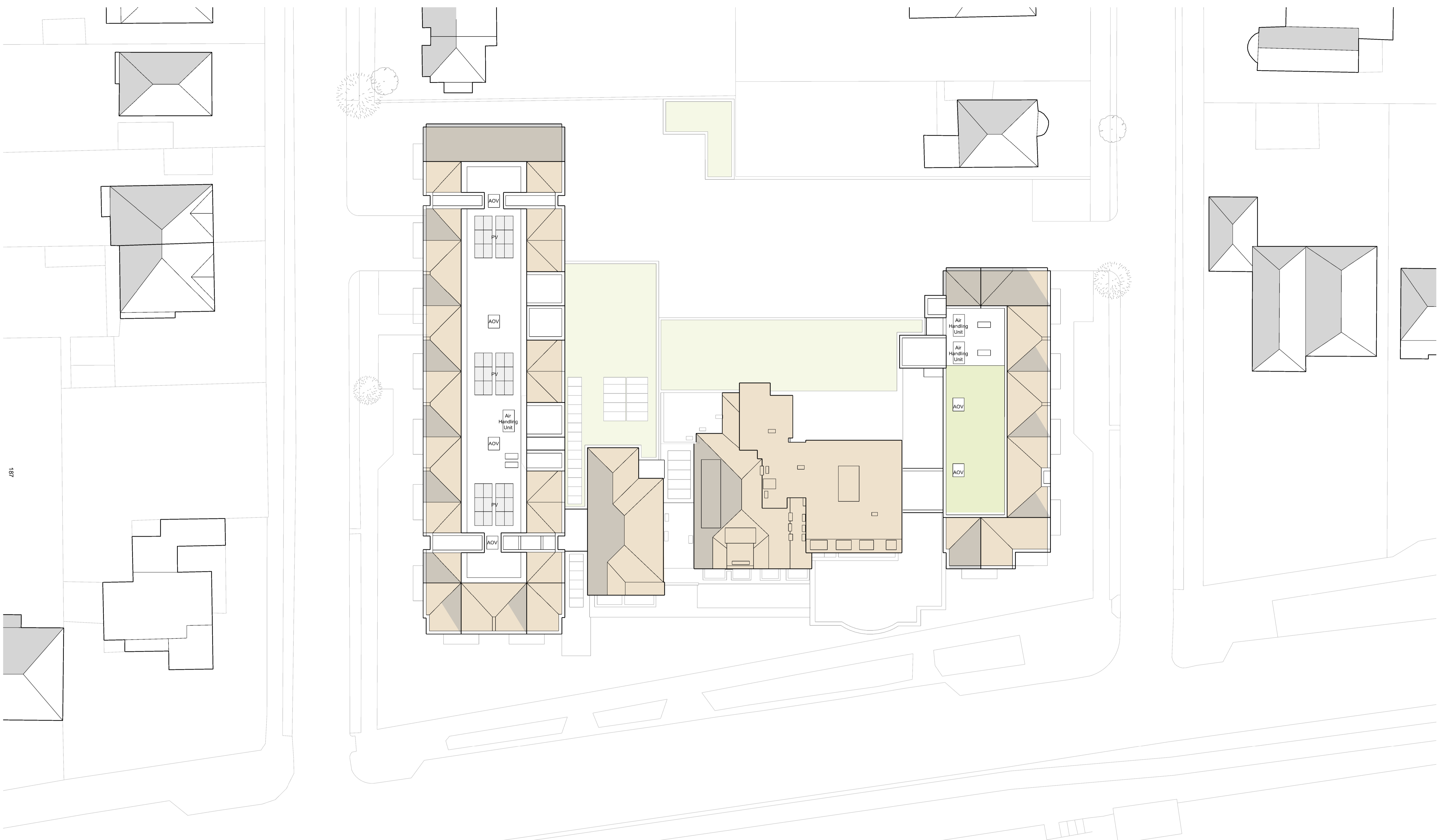




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<p>drawing number WP-0753-A-0102-P-02</p> <p>scale @ A1 / A3 1:200 / 400</p>		<p>revision A</p> <p>revision date 10/09/2021</p>			
<p>drawing purpose PLANNING</p>					
<p>Revision Date Description</p> <p>A 10/09/2021 Planning</p>					

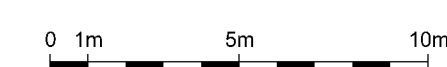





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Revision	Date	Description
A	10/09/2021	Planning

project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

drawing title
Roof Plan
Proposed

drawing number	revision
WP-0753-A-0103-P-03	A

scale @ A1 / A3	revision date
1:200 / 400	10/09/2021

drawing purpose
PLANNING

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APPLICATION SITE

01
0200

Proposed

Front Elevation
1:100@A1



APPLICATION SITE

02
0200

Proposed

Rear Elevation
1:100@A1

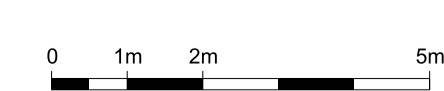


Revision	Date	Description
A	10/09/2021	Planning

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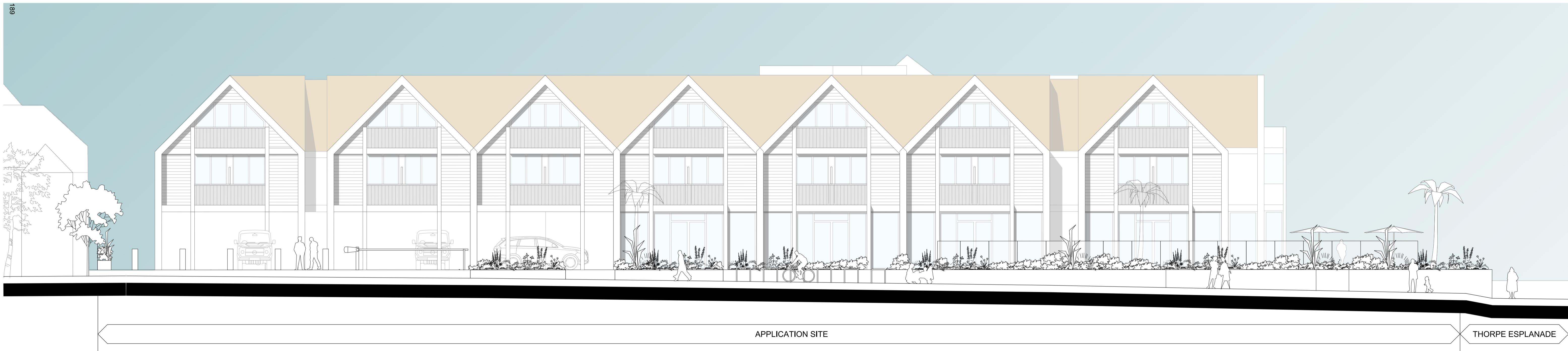
project Roslin Beach Hotel Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG	
drawing title Front and Rear Elevations Proposed	
drawing number WP-0753-A-0200-E-XX	revision A
scale @ A1 / A3 1:100 / 200	revision date 10/09/2021
drawing purpose PLANNING	

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01
0201 Proposed East Elevation 1:100@A1



02
0201 Proposed West Elevation 1:100@A1



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Revision	Date	Description
A	10/09/2021	Planning

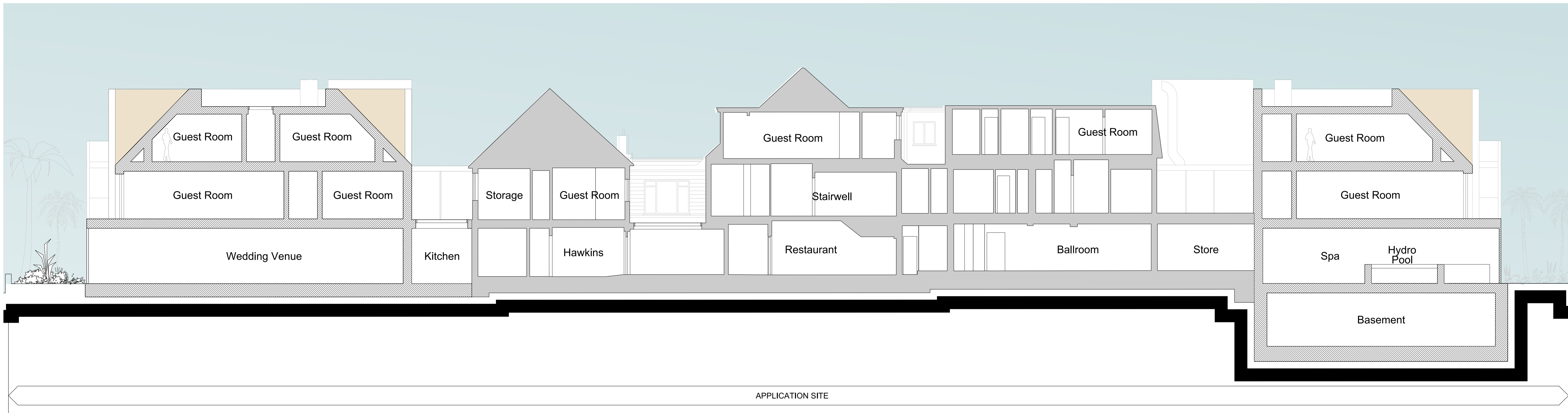
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project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

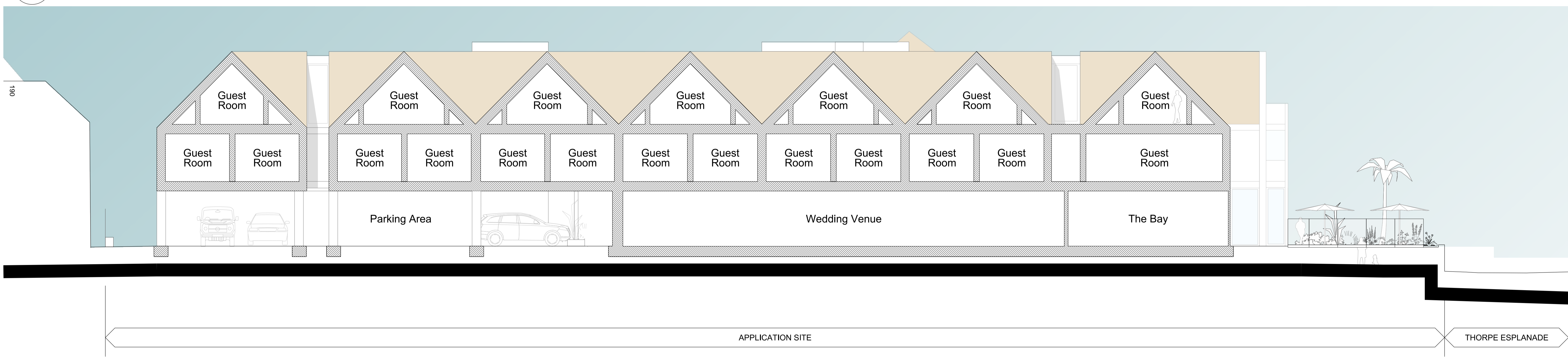
drawing title
Side Elevations Proposed

drawing number WP-0753-A-0201-E-XX	revision A
scale @ A1 / A3 1:100 / 200	revision date 10/09/2021
drawing purpose PLANNING	

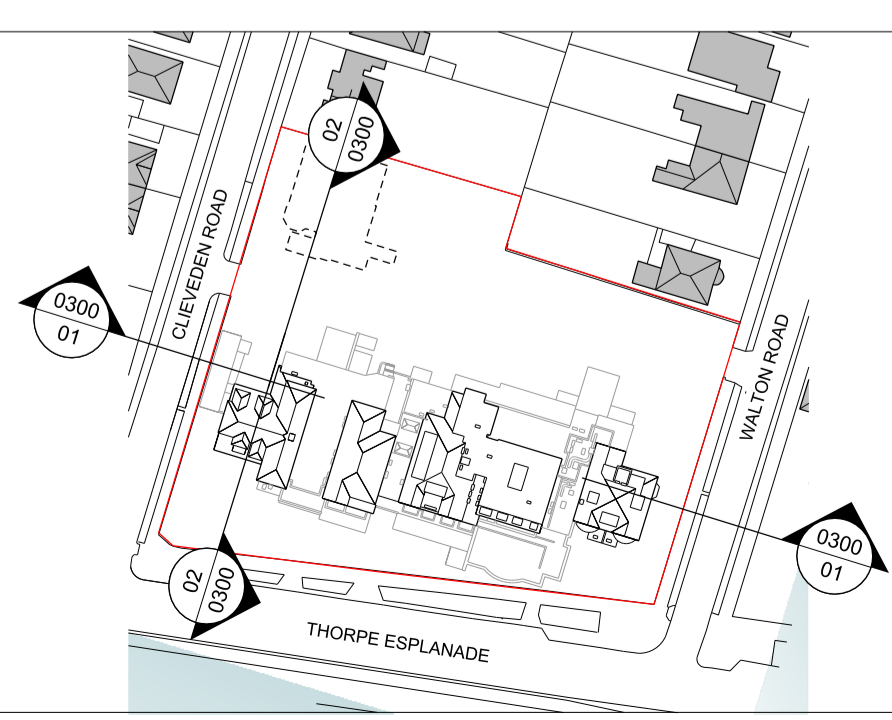
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01
0200 Proposed Section AA
1:100@A1



02
0200 Proposed Section BB
1:100@A1



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Revision	Date	Description
A	10/09/2021	Planning

0 1m 2m 5m

project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

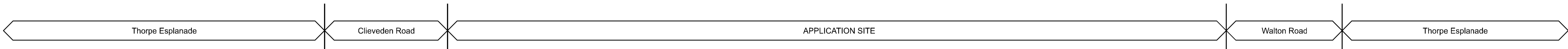
drawing title
Sections Proposed

drawing number WP-0753-A-0300-S-XX	revision A
scale @ A1 / A3 1:100 / 200	revision date 10/09/2021

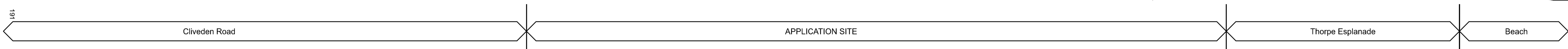
drawing purpose
PLANNING

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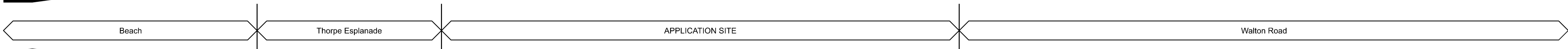




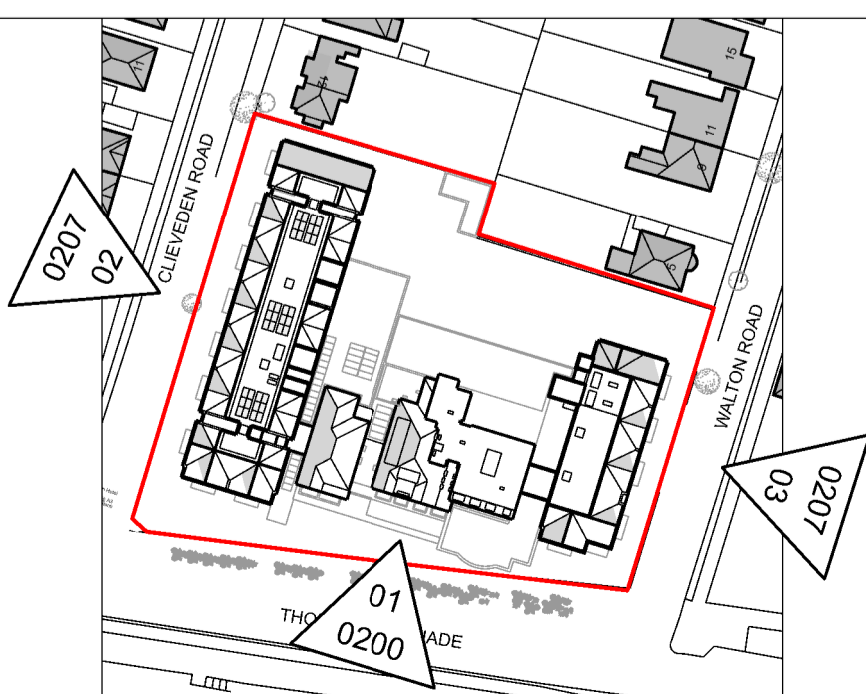
01
0207 Proposed Front Elevation 1:200@A1



02
0207 Proposed West Elevation 1:200@A1



03
0207 Proposed East Elevation 1:200@A1

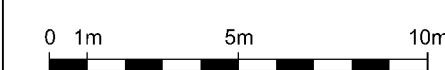


Revision	Date	Description
A	10/11/2021	Planning

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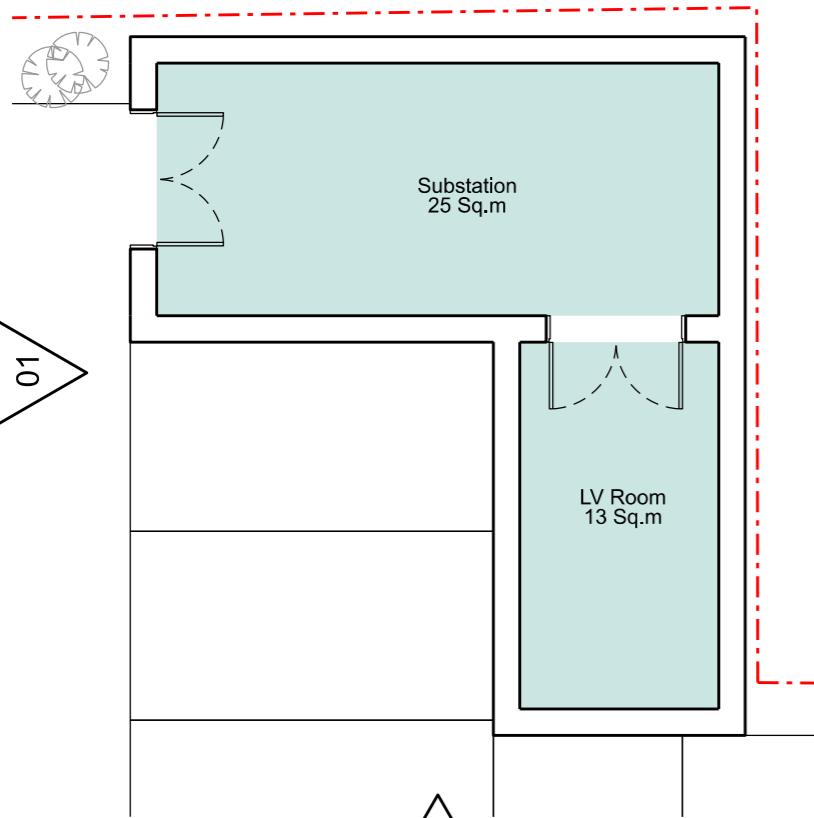
project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG
drawing title
Front and Side Context Elevations Proposed

drawing number WP-0753-A-0207-E-XX	revision A
scale @ A1 / A3 1:200	revision date 10/11/2021
drawing purpose PLANNING	

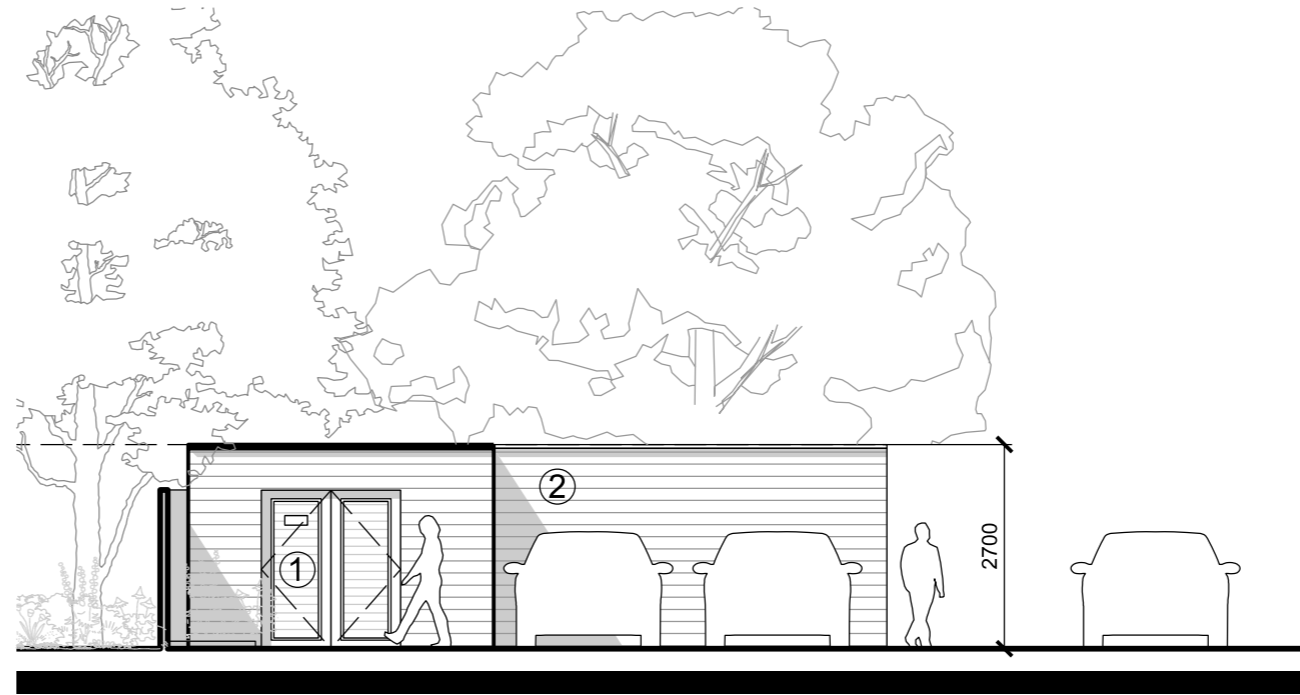
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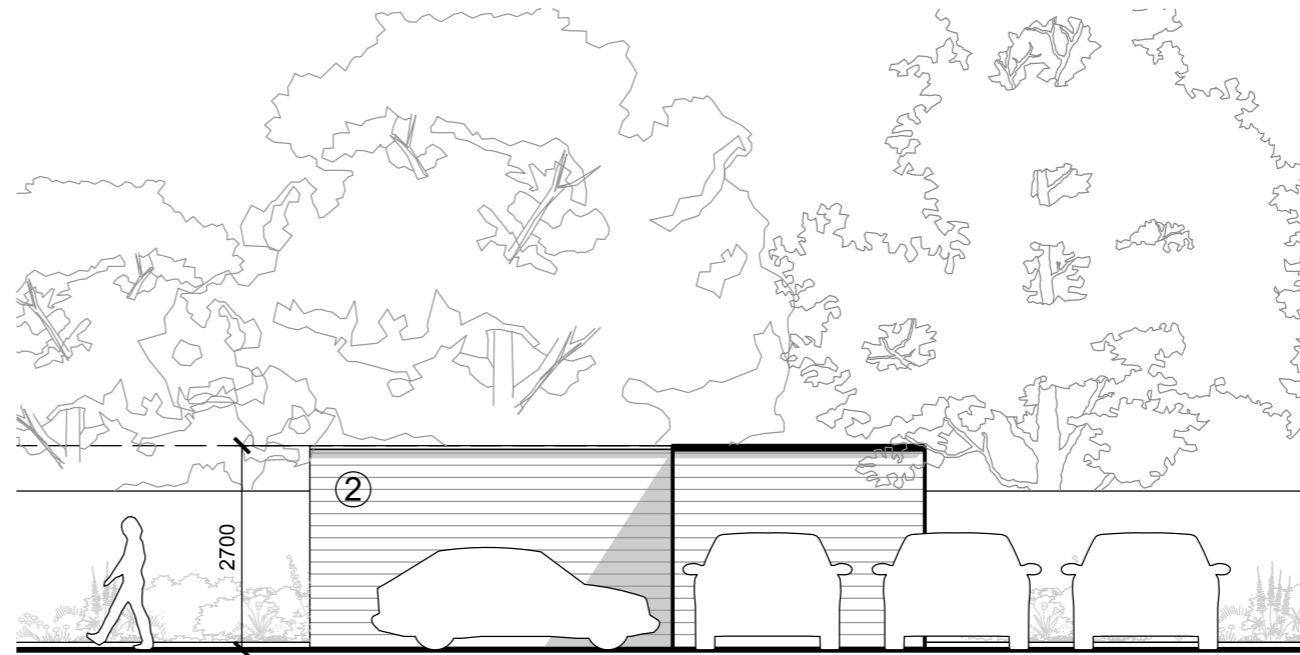
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00
0210 Proposed
PLAN
1:100@A3



01
0210 Proposed
ELEVATION 1
1:100@A3

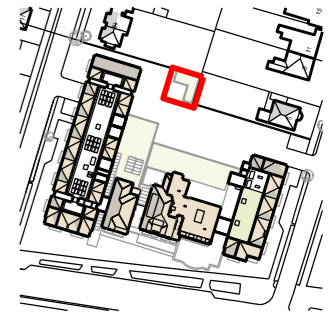


02
0210 Proposed
ELEVATION 2
1:100@A3

0 1m 2m 3m



- KEY:**
1. Louvered substation door.
 2. Horizontal timber/composite cladding on top of substation structure.



Revision	Date	Description
A	17/12/2021	Proposed Drawings

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Project
Roslin Beach Hotel
Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG

Drawing Title
Substation - Elevations
Proposed

Drawing Number	Revision
WP-0753-A-0210-E	A
Scale @ A3 / A1	Revision Date
1:100 / 50	17/12/2021

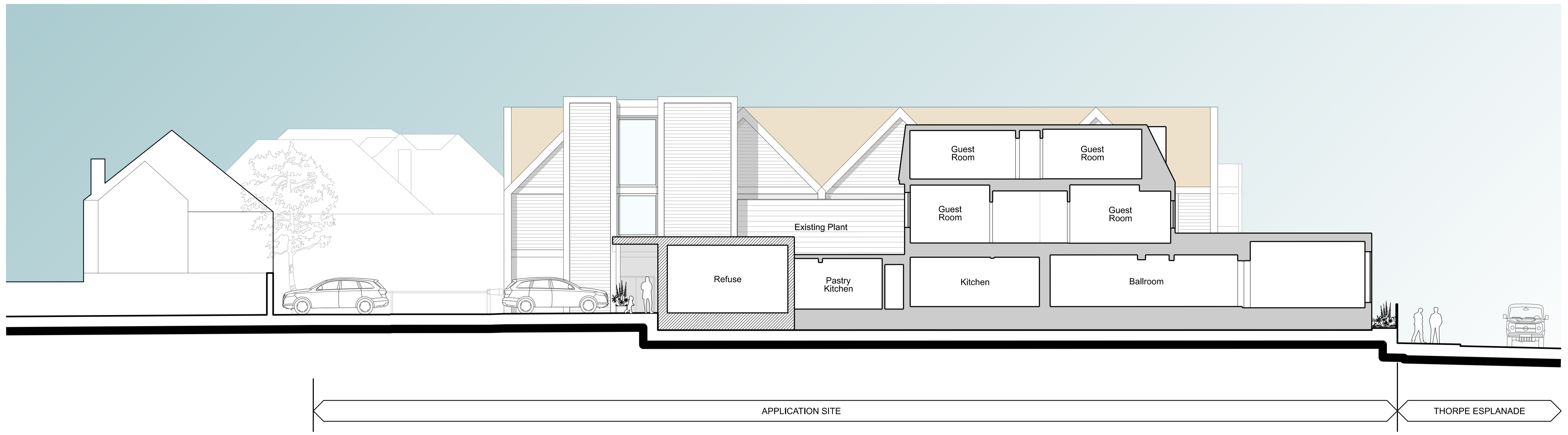
Drawing Purpose
PLANNING

WIMSHURST PELLERITI

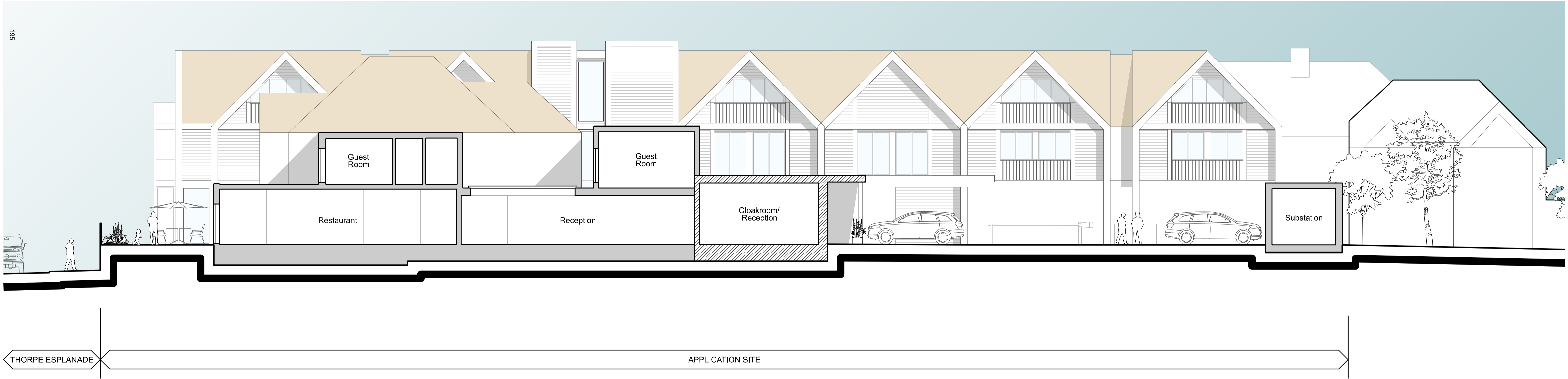
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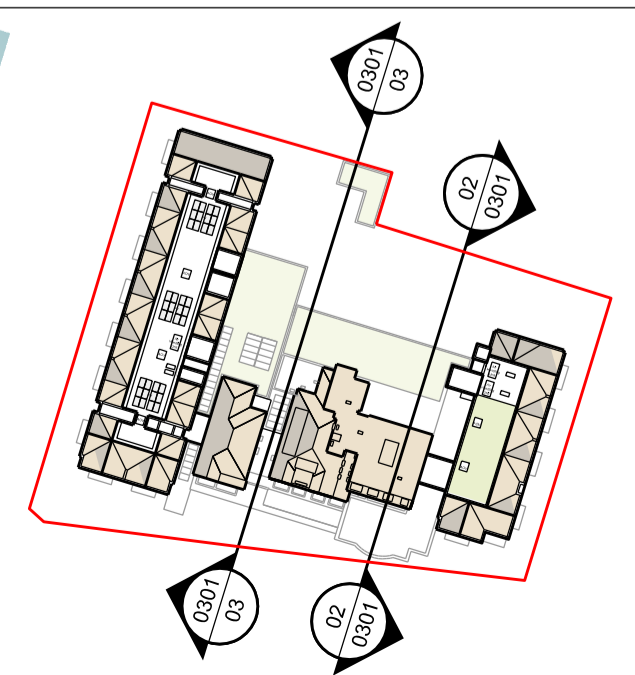
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02
0301 Proposed Section B-B
1:100@A1



03
0301 Proposed Section C-C
1:100@A1

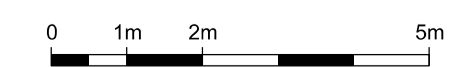


Revision	Date	Description

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project Roslin Beach Hotel Thorpe Esplanade, Thorpe Bay, Southend-on-Sea SS1 3BG	
drawing title Sections Proposed	
drawing number WP-0753-A-0301-S-PR	revision A
scale @ A1 / A3 1:100 / 200	revision date 12/11/2021
drawing purpose PLANNING	

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CGI of proposed development



The site's Thorpe Esplanade frontage



The site viewed from south-west



The site viewed form south-east



Existing flank (eastern) elevation



Streetscene on Walton Road looking north



Neighbouring properties to the north of the site on Walton Road



Streetscene on Walton Road looking south



The rear of the site viewed from Walton Road



Surrounding area on Thorpe Esplanade looking west



The south-western part of the site



The rear part of the site viewed from Clieveden Road



The rear part of the site viewed from Clieveden Road



The rear elevation



Parking area and properties to the north of the site on Clieveden Road



Properties on the western side of Cliveden Road



The streetscene on Clieveden Road looking north-west



Location of demolished building



Neighbours to the north of the site



Neighbouring properties farther north on Clieveden Road

Reference:	1. 21/02172/FUL 2. 21/02173/LBC	7
Application Type:	1. Full Application 2. Listed Building Consent	
Ward:	Milton	
Proposal:	1. Change of use from Guest House (Class C1) to 7No. Self-contained flats (Class C3) with associated internal alterations and alter elevations 2. Change of use from Guest House (Class C1) to 7No. Self-contained flats (Class C3) with associated internal alterations and alter elevations (listed building consent)	
Address:	5 - 6 Clifftown Parade Southend-on-Sea Essex	
Applicant:	Mr & Mrs Lowen	
Agent:	Breley Design Ltd	
Consultation Expiry:	2 nd December 2021	
Expiry Date:	7 th January 2021	
Case Officer:	Abbie Greenwood	
Plan Nos:	1436-01B, 1436-02G, 1436-03D, 1436-04A, 1436-05B, 1436-06, 1436-07B Design and Access Statement Schedule of Enhancements to 5 and 6 Clifftown Parade for 21/02172/FUL & 21/02173/LBC dated 13.12.21 Heritage Statement Transport Statement Economic Statement November 2021 Marketing Statement and Sales Particulars Letter from Applicant dated 16.4.21	
Recommendation:	GRANT PLANNING PERMISSION GRANT LISTED BUILDING CONSENT	



1 Site and Surroundings

- 1.1 The site includes 5 Clifftown Parade and the lower 2 floors of 6 Clifftown Parade which are both grade II listed buildings in Clifftown Conservation Area. The buildings are linked internally at ground and lower ground levels and have for many years been used as the Gleneagles Hotel (14 bedrooms). They form part of a wider listed terrace of commercial premises (1-12 Clifftown Parade) which were built c1860. The listing description for the parade is as follows:

A terrace of yellow stock brick houses (nos 1 and 3 are now plastered and no 4 is painted) built by Brassey of the firm of Sir Morton Pete Brassey Lucas and Co., who also built the Southend Railway, circa 1860.

This terrace with Clifton Terrace and Royal Terrace provide almost the only example of the south end of Prittlewell as it was at first known.

Each house has one window range and 1 two storeyed canted bay surmounted by ornamental cast iron railings (12 bays in all). Raised brick bands extend between the storeys, between the bays. The window are mainly double hung sashes with single vertical glazing bars, in rusticated brick surround (painted). The doorways are approached by flights of steps and have raised brick surround and moulded brick cornices. Roofs slate, hipped at the east end. No 5 has a C20 tiled attic storey and is built out above the bay. No 12 has a slate roofed C20 attic storey. At the rear the terrace was designed to present a façade to Alexander Street. Later the street frontage was built up. There are 12 storeyed wings which project at the north with pediments. Some have C19 and C20 alterations and additions but many retain their original features. The roadway at the rear, formerly a mews to the Terrace has a surface of hard vitreous sells with lines of granite paving.

Nos 1 to 11 (consec), 11A and no 12 (Argyle Hotel with Nos 1 to 6 (consec), Clifton Terrace, form a group.

- 1.2 These buildings have retained many of their original features but the front elevation of No

5 was significantly altered at roof level many years ago which has caused significant harm to the character of that building and uniformity of the terrace. A modern rain porch has also been added to the front of the building at number 5 which is also out of character. Number 5 has also been significantly extended at its basement/lower ground level with a basic utilitarian flat roof addition which has also harmed the listed building. This area is the kitchen for the existing hotel.

- 1.3 To the rear of the listed terrace is a publicly accessible vehicular right of way which provides access to the rear elevations/garden areas of the surrounding buildings. Some of the properties also have outbuildings/garages and parking areas in this location. The application site itself has a two-storey outbuilding at the rear of number 5 which contains 2 parking spaces and an office at first floor. This is a modern building, but it has been closely modelled on a historic coach house opposite, including decorative brick detailing and timber style barn doors, and sits comfortably in this context. There are 3 additional open parking spaces to the west side of this building.
- 1.4 The site is within the Southend Central Area Action Plan (SCAAP) Clifftown Policy Area. There are no site specific policies aside from the heritage designations.

2 The Proposal

- 2.1 The proposal seeks planning permission and listed building consent to convert the hotel (Class C3) into seven self-contained flats (Class C3): 5 x 1 bed units and 2 x 2 bed units. The conversion includes alterations to the listed building summarised as follows:
- Removal of external modern porch to front.
 - Demolition of modern extension to rear of number 5 and make good to match.
 - Internal alterations including demolition of some internal partitions on all levels (no new steelwork is proposed), installation of new partition walls to lobby areas to form self-contained flats, Removal of staircase to basement and alter room layouts including infilling openings between properties 5 and 6.
 - Installation of soundproofing via a false ceiling with traditional coving detail and reinstatement of traditional skirting boards.
 - Replacement of modern veneered internal doors with painted panelled timber doors and architraves to the original design.
 - Replacement of the concrete tiles on the mansard roof with natural slate and the enhancement of windows at this level,
 - Reinstatement of sash windows where they have been lost,
- 2.2 Outside the scope of the listed building the proposal also includes the conversion of outbuilding to the rear to self-contained 1 bed flat and the installation of a cycle store for 7 cycles and a bin store are also proposed to the rear of the building.
- 2.3 The proposed lower ground floor flats, unit 1 and 2, would each have a small courtyard to the rear, 36 sqm and 39 sqm respectively. The front terrace is also paved and may also be suitable for sitting out but is not private. Two parking spaces (including 1 space for disabled users) are proposed to the rear to serve the two bed units.
- 2.4 The proposal is an amended scheme following a previous refusal of planning permission reference 21/01155/FUL for the conversion of the hotel into 7 flats. That application was refused for the following reasons:

01 The development would result in the loss of visitor accommodation within a Key Area for the tourism sector in the Borough and it has not been satisfactorily demonstrated that there is no capacity for the existing facility within Southend. This application is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, CP4 and CP6 of the Southend-on-Sea Core Strategy (2007), and Policies DM3, DM6, DM9, DM10 and DM12 of the Southend-on-Sea Development Management Document (2015).

02 The proposal would, by reason of the detailed design of the outbuilding conversion, result in an out of keeping and incongruous alteration to the existing building which would result in significant, albeit less than substantial harm to the character and appearance of the existing outbuilding, setting of the listed building, the streetscene and the wider Clifftown Conservation Area. The public benefits of the proposal do not outweigh this material, albeit less than substantial harm. This is unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM5 of the Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

03 The proposal, due to the nature and layout of the basement flats proposed would result in a poor living environment, due to the unacceptable outlook to the rear, to the significant detriment of the living conditions of future occupiers. This is unacceptable and contrary to National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

04 The proposal has failed to demonstrate that the proposed refuse and cycle stores are accessible to future residents without encroachment over adjacent land and it is far from clear that this could be addressed with a planning condition. This is unacceptable and contrary to National Planning Policy Framework (2021), policies 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 Design and Townscape Guide (2009).

05 The development offers no reasonable mitigation of the in-combination effect of the net increase of two dwellings on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.

2.5 The listed building application accompanying the above refused application, reference 21/01156/LBC was granted because the proposed works to the fabric of the building, which included the removal of modern alterations, overall and on their individual merits were considered to have an acceptable impact on its significance.

2.6 To seek to address these reasons for refusal the following changes have been made to the proposal:

- Additional marketing and sales information has been provided including listing the property with a local agent.
- The poor-quality modern extension to the rear of number 5 is now proposed to be

demolished to improve the outlook of unit 2 at basement level.

- Unit 2 has been amended from a 2 bed 4 person unit to a 2 bed 3 person unit.
- The number of off-street car parking spaces has been reduced from 3 parking spaces to 2 to allow improved access to the refuse and cycle store.
- One additional amenity courtyard has been provided to the rear of unit 2.
- Minor changes to the internal layout of units 2, 4 and 5 to remove further modern additions.
- Amendments to the proposed external elevations of the coach house.
- Add in extra enhancements to the fabric of the listed building including remodelling of the mansard roof fenestration and materials at number 5 and reinstatement of missing features including sash windows, internal doors and skirtings.

3 Relevant Planning History

- 3.1 21/01155/FUL and 21/01156/LBC - Change of use from Guest House (No.5 and lower ground of No.6) (Class C1) to form 7 self-contained Flats (Class C3), alterations to internal layout, removal of porch to front, alterations to existing garage to rear and provide associated bin and cycle storage areas to rear (Listed Building Consent) – refused
- 3.2 14/01715/LBC - Demolish existing garage, erect two storey building at rear and replace existing bay at second floor. (Listed Building Consent) - Granted Listed Building Consent (06.02.2015)
- 3.3 14/01714/FUL - Demolish existing garage, erect two storey building at rear and replace existing bay at second floor - Application Permitted (06.02.2015)
- 3.4 08/01266/FUL - Install replacement timber sliding sash windows to east elevation Application Permitted (10.11.2008)
- 3.5 06/00236/LBC - Carry out internal alterations to hotel to form ensuite facilities to guest bedrooms (listed building consent) - Granted Listed Building Consent (02.02.2006)
- 3.6 02/01549/LBC - Demolish front porch, re-instate balcony at second floor level, install replacement windows and doors and erect new porch at front, lower garden level by 500mm, re-slate front dormer and refurbish staircase (Listed Building Consent) - Granted Listed Building Consent (20.02.2003)
- 3.7 02/01548/FUL - Demolish front porch, re-instate balcony at second floor level, install replacement windows and doors and erect new porch at front, lower garden level by 500mm, re slate front dormer and refurbish staircase. Application Permitted (20.02.2003)
- 3.8 01/01020/LBC Remove existing boundary walls and replace with low brick walls, railings, and gates to a maximum height of 1.3meters (Listed Building Consent) - Granted Listed Building Consent (09.11.2001)
- 3.9 01/01017/FUL Remove existing boundary walls and replace with low brick walls, railings, and gates to a maximum height of 1.3meters. Application Permitted (09.11.2001)
- 3.10 00/01122/FUL Form self-contained flat at lower ground floor 6 Clifftown parade Application Permitted (25.01.2000).

4 Representation Summary

Public Consultation

4.1 77 neighbouring properties were consulted, a press notice published and a site notice displayed. 9 letters of representation have been received. 1 of these objects to the proposal, raising the following issues:

- Lack of parking generally.
- The garage should remain as parking

7 Proforma letters and 1 additional letter in support of the proposal raising the following summarised comments:

- The previous application should not have been refused.
- The amended proposal has improved the quality of the development.
- The loss of the poor quality rear extension is an improvement.
- Residential use is not out of character in this location
- The refuse and cycle store is now accessible without crossing neighbouring land.
- The applicants have done considerable works to show that the hotel is no longer viable.
- A loss of 14 bedrooms out of 1000 is negligible.
- The exterior of the building would be preserved.
- The proposal would have an acceptable impact on neighbours.
- The removal of the porch is positive for the listed terrace.
- The internal alterations are almost all removal of modern partitions.
- Refuse and cycle storage is provided.
- Sustainable location.
- The change of use will require less parking
- Fewer people using the building
- The future of the listed building will be assured.
- CIL contribution will assist local services
- The value of the conversion will support the owners who have a case for exceptional circumstances
- The exceptional circumstances outweigh the harm in this case.

Essex Fire Service

4.2 There is inadequate access for fire appliances to flat 7 so this unit will require sprinklers.

Environmental Health

4.3 No objections subject to conditions relating to construction hours and a waste management plan.

Highways

4.4 There are no highway objections to this proposal the site benefits from being in an extremely sustainable location with regard to public transport with good links in close proximity. Secure cycle parking has been provided. Future occupiers will not be eligible for a town centre or car parking permit due to the lack of parking associated with the development.

It is not considered the proposal will have a detrimental impact upon the local highway network.

- 4.5 This application was called to Development Control Committee by Cllr George.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), Policy CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM12 (Visitor Accommodation) and DM15 (Sustainable Transport Management)
- 5.4 Southend Central Area Action Plan (SCAAP) (2018), Policy PA6 (Clifftown Policy Area Development Principles)
- 5.5 Design & Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 Clifftown Conservation Area Appraisal (2006) and draft Clifftown Conservation Area Appraisal (2021)
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

6 Planning Considerations

- 6.1 The main considerations in the determination of this application are the principle of the loss of visitor accommodation, protection of the significance of the listed terrace, the impact on the character of the wider conservation area, any impact on residential amenity, quality of accommodation for future occupants, traffic and highways implications, sustainability including RAMS and CIL and whether the proposal has overcome the reasons for refusal of the previous application.

7 Appraisal

Principle of Development

- 7.1 Paragraph 119 of the NPPF states: *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding*

and improving the environment and ensuring safe and healthy living conditions.” Furthermore, policy DM3 of the Development Management Document stipulates that the Council will support development that seeks to optimise the use of land in a sustainable manner that does not lead to over-intensification, which would result in undue stress on local services and infrastructure.

7.2 Policy DM10 of the Development Management Document identifies the Priority Location Areas for employment sectors. For tourism and associated leisure activities the Seafront is such a Priority Location Area.

7.3 Policy DM12 states that the areas within the Southend Central Area, near the London Southend Airport and locations with access and a clear and strong relationship with the Seafront are Key Areas for visitor accommodation. The same policy stipulates that:

“2. Within the Key Areas [...] visitor accommodation will be retained. Proposals for alternative uses on sites used (or last used) for visitor accommodation will be considered where it can be demonstrated that:

- (i) the site is no longer viable or feasible for visitor accommodation*;* and
- (ii) the proposal meets all other relevant planning policies.*

Where an alternative use is considered acceptable by the Council, applications that would contribute positively to the leisure, recreation and tourism offer in the Borough will be considered favourably.

**Supporting text paragraph 5.37 and Appendix 4 Part A sets out the information to be Provided including a 2 year marketing information.”*

7.4 In relation to smaller hotel and guesthouse businesses, paragraph 5.39 of the Development Management Document states:

‘5.39 It is recognised that for smaller ‘lifestyle’ businesses, commercial viability is more difficult to test. In such cases proof of marketing for sale with specialist and local agents at a realistic price may be sufficient on its own. The Council will be flexible in its approach and have regard to all material considerations at the time of the application. In all instances the level of information required should be agreed with the Council prior to submitting a planning application.’

Loss of Visitor Accommodation

7.5 The proposal seeks to change the use from a hotel to flats. The reason given is for the sale of the premises is that the owners are no longer able to run the business due to medical reasons. In this respect the proposal would result in the loss of visitor accommodation for a use that would not contribute positively to the employment, leisure, recreation or tourism offer in the Borough. The previous application was refused because the proposal failed to satisfactorily demonstrate that there is no capacity for the existing hotel facility within Southend. Some marketing information and an economic statement was submitted with that initial planning application but it was found that it failed to meet the requirements of Policy DM12 noted above. In particular, the marketing was low profile ‘off book’ marketing only, so the property was not very visible in the marketplace for prospective buyers. To seek to address this reason for refusal the business was put on the market with a local agents Ayres and Cruiks on 28th October 2021 including a listing

on their website and a for sale board at the site. This is more in line with the requirements of Policy DM12 although, with this limited timeframe, the marketing case for the proposal falls significantly short of the requirement of 2 years of marketing sought by Policy DM12. Ayres and Cruiks confirm that in the first 3 weeks of marketing the property there were three viewings of the property but these did not result in an offer. The applicants advise that one of these viewings was in relation to conversion to a single house.

7.6 An updated Economic Statement has also submitted and can be summarised as follows:

- The brand/unique selling point of the business is the owners, and this will be lost when they move on.
- Significant investment would be needed to keep up with competitors including new windows and roofing slates.
- There is a lack of funds for investment in the building and business.
- The pandemic has had a severe impact on visitor numbers resulting in a 66% drop in profits forecast for 2021 (not including grant funding).
- Loss of future bookings resulting from pandemic are predicted not to recover to pre-covid levels for 4 years.
- The industry forecasts only 55% room utilisation for 2022 predicts a net loss for the business during this year if the cost of additional staffing required due to ill health and repairs to the building are taken into consideration, although it is noted that no repairs to the building are proposed at this time and are not included in the proposed applications.
- The UKHospitality.org.uk, which is the industry trade body and represents the hospitality sector nationally, is concerned that Covid 19 restrictions including those announced in December 2021 will significantly impact consumer confidence and have a devastating impact on hospitality.
- The loss of airport visitors is also affecting bookings and there is a shift towards less business travel as more people work remotely.
- Since the current owners took on the business in 2012 there has been a significant increase in competition particularly from budget hotels and Air b & b. The document notes that the availability of low-cost rooms in the Borough has risen from 681 in 2012 to 1678 in 2020 (an increase of 997 rooms). In the central area only, the number of rooms has increased by 462 during this period.
- Exceptional circumstances are sought – the sale of the business is needed for medical reasons.

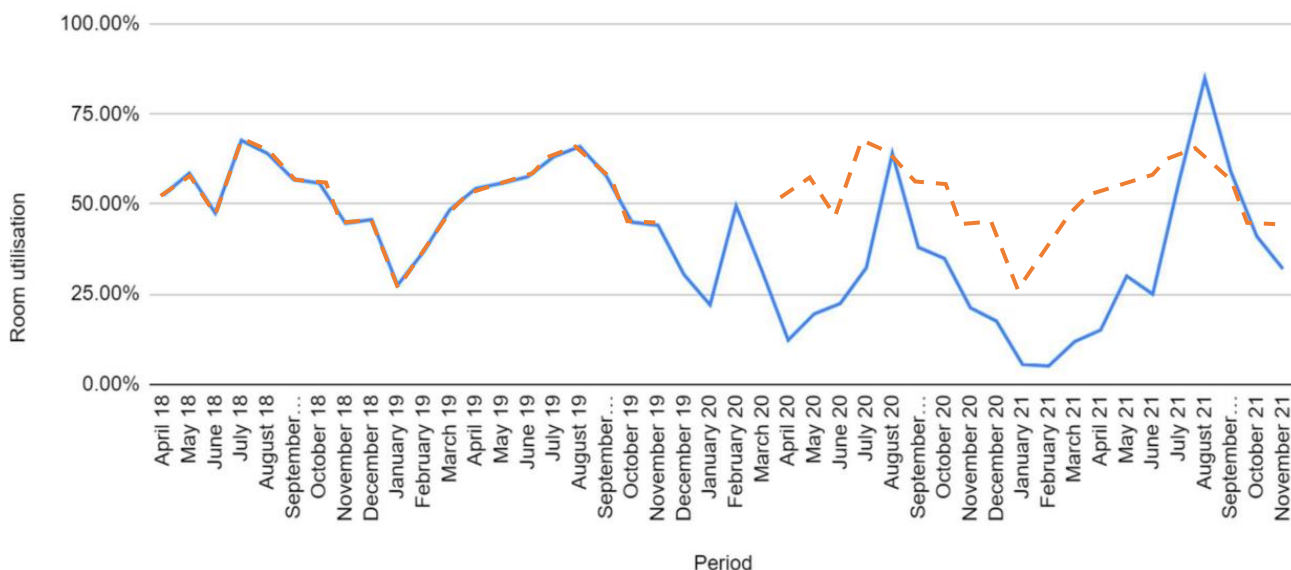
7.7 There is no doubt that the pandemic has had a significant impact on the hotel industry and to compensate for this, businesses, including the application premises, were supported with grant funding from the Government over the past 2 years, although this funding has now ended. It is also acknowledged that the hotel market will take some time to recover to pre-pandemic levels. As noted above, the submitted Economic Statement comments that the UK Hotels Forecast expects room utilisation to be around 55% until 2024/5.

7.8 The submitted Economic Statement provides some information in relation to the profitability of the business but this has concentrated on recent years only (2019-21) which were significantly impacted by covid. The forecasted figures for 2022, which include the necessary repairs to the building, predict that the business will be in deficit, and this is unlikely to be mitigated by grant funding as it was in the last 2 years.

7.9 The graph titled 'Room Utilisation by Period' below shows a number of periods of over 60% occupancy peaking at around 80% occupancy during this more difficult time however

a comparison with pre-covid times in 2018/19 (orange line) shows a noticeable fall in bookings over the past 2 years especially during the winter months and during lockdown periods as to be expected.

Room utilisation by period



7.10 The owners have made a case for extenuating circumstances due to health grounds on which they state that they are no longer able to run the business themselves. However, the policy makes no particular exception for extenuating circumstances and this does not prevent the sale of the business as a going concern. In order to demonstrate that the business is no longer viable the policy requires the business to be marketed locally and at a realistic price and for a decent amount of time to give the business the best chance of a sale.

7.11 The site is in an attractive position on the clifftop and close to the town centre and seafront and is a prime location for tourism.

7.12 There is a concern that the business was only properly marketed on 21st October 2021 which, by any measure, falls significantly short of the 2 years sought by the policy and this is a negative aspect of the proposal. The submitted Economic Statement provides evidence that the business is struggling and it is acknowledged that this small scale of business will be less able to cope with reduced bookings over an extended time period than the larger hotels or even air b & b's. Whilst the circumstances of the occupiers are noted and it is understood that these may affect the ability of these proprietors to maintain and manage the business into the future, the proposal does not make allowances for exceptional circumstances and little weight can be given to this issue in the planning balance. Given that the policy requirements in this case have only partially been met, the loss of the hotel use will need to be weighed in the balance against the public benefits of the proposal which are discussed in detail below. However, it is also recognised that the current marketing information is an improvement on that provided with the previous application.

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

7.13 In determining these applications, the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard

to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.14 In relation to the impact of a proposal on a designated heritage asset the NPPF states that

'199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

7.15 The NPPF also states that *'Good design is a key aspect of sustainable development'* and this is referenced throughout the NPPF as well as in policies KP2 and CP4 of the Core Strategy and policies DM1 and DM5 of the Development Management Document. The Design and Townscape Guide also states that the Council is committed to good design and the preservation and enhancement of heritage assets.

7.16 In regard to development affecting heritage assets, Policy DM5 states that *"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."* The NPPF states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation"*.

Impact on the Significance of the Listed Buildings

7.17 The proposal seeks to convert the hotel into 7 self-contained flats including 1 unit in the existing outbuilding to the rear. In terms of the impact on the listed building there is no objection to the proposed residential use as this was the intended use of the historic building when it was constructed. The proposals have generally sought to make use of the existing layout of the hotel and require few alterations to the plan form. Where internal walls are proposed for demolition, this generally relates to the removal of modern partitions which were installed to form en-suites for the hotel bedrooms. Listed building consent was previously granted for a similar proposal earlier in 2021 (reference 21/01156/LBC) but the current application includes a schedule of enhancements to the listed building over an above that required to convert the hotel to flats. These enhancements are proposed to add weight to the application and can be taken into consideration in the planning balance which is discussed in detail below. The additional enhancements are as follows:

1. Removal of the non-original rain porch to the front of number 5 Clifftown Parade which detrimentally impacts on the front elevation and uniformity of the terrace.
2. The removal of the existing poor quality modern single storey kitchen extension to the rear of number 5 Clifftown Terrace and reinstatement of the rear wall including new sash windows.
3. The commitment to undertake a survey of all windows and reinstate single glazed timber sash windows where they have been lost or where the existing are poor quality replacements.
4. The replacement of the grey concrete tiles to the existing mansard at 5 Clifftown Parade with natural slate and the remodelling of the windows in this location to be timber sash windows arranged in two groups to better relate to the existing frontage.
5. The repair and/or replacement of the slate roof to number 6 Clifftown Terrace with natural slate to prevent water ingress.
6. The reinstatement of traditional timber internal doors and architraves, cornices and skirtings where they have been lost.
7. The removal of the internal lobbies in the main reception rooms of plots 4 and 5 at first and second floor to reinstate the original plan forms of these key reception rooms.

7.18 All these changes are to the benefit of the listed building and can be secured by condition. It is important to note the removal of the porch was the only enhancement proposed as part of the previous listed building consent therefore the current applications represent a significant uplift in terms of the enhancements to the listed building as compared to the previous schemes. The proposal's impact on the fabric of the listed building is therefore acceptable and policy compliant in this regard.

Rear Outbuilding Proposals

7.19 To the rear is a two-storey outbuilding which is used for parking/storage and as an office. It is proposed to convert this building to a self-contained flat as part of this proposal. This is modern but its design and detailing have been based on an original outbuilding in this location opposite the site. The building is well executed and it sits well in this context.

7.20 Whilst no objection was raised to the principle of the conversion, application 21/01155/FUL was refused because the proposed alterations to the outbuilding would have been out of keeping and incongruous in the streetscene which would cause harm to the existing building, the setting of the listed building and the wider conservation area. To address this,

the proposed alterations to this building have been amended to retain more of its existing 'coach house' character. The amended design is considered to be more appropriate in this context, and overcomes that previous reason for refusal subject to the agreement of detailing of the proposed fenestration.

7.21 Overall, the proposed alterations, including the removal of the poor-quality rear extension and front porch, and the reinstatement of parts of the historic plan form, are considered to have a positive impact on the character and significance of the listed building, the terrace and wider conservation area. The previous reason for refusal in relation to the alterations to the outbuilding has also been overcome. The amended proposal is therefore acceptable and policy compliant in relation to design and heritage matters subject to conditions relating to design detail of new doors and windows.

Standard of Accommodation for Future Occupiers

7.22 Delivering high quality homes is a key objective of the NPPF.

7.23 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they “*Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents*”.

Space Standards

7.24 All new homes are required to meet the National Technical Housing Standards. The minimum requirement for a 1 bed 2 person unit is 50sqm (58sqm for a 2 storey dwelling), a 2 bed 3 person property is 61sqm and a 2 bed 4 person property is 70 sqm. All master bedrooms are required to be a minimum of 11.5sqm with a minimum width of 2.75m. All single bedrooms are required to have an area of 7.5 sqm and a minimum width of 2.15m.

	Net Internal Area	Bed 1	Bed 2
Flat 1 2 bed 4 person	91.7sqm	13.3 sqm 3.1m width	11.5sqm 3.1m width
Flat 2 2 bed 3 person	62.6 sqm	12.3sqm 3.3m width	10.3sqm 3.4m width
Flat 3 1 bed 2 person	52.5 sqm	13.3sqm 3.3m width	
Flat 4 1 bed 2 person	51 sqm	13.3sqm 3.3m width	
Flat 5 1 bed 2 person	51 sqm	13.3sqm 3.3m width	
Flat 6 1 bed 2 person	52.8 sqm	13sqm 3.3m width	
Flat 7 1 bed 2 person 2 storey	63.5 sqm	19.6 sqm 3.7m width	

7.25 The proposals meet the required housing standards and are acceptable and policy compliant in this regard.

Quality of Habitable Rooms

7.26 The previous proposal was refused because the nature and layout of the basement flats

and proximity to the refuse store would result in a poor living environment, due to the unacceptable outlook to the rear, to the significant detriment of the living conditions of future occupiers. The current application seeks to address this by demolishing the existing poor-quality kitchen extension and reconfiguring the refuse and cycle store. The amended layout enables a small but useable amenity area to be provided to the rear of the basement units and improves the outlook for the bedrooms of these proposed units significantly. The amended arrangement is considered to have overcome that previous reason for refusal in this regard.

- 7.27 The habitable rooms of the upper floor flats have the same outlook as the previous application and this remains acceptable. The amended design of the outbuilding, which is also proposed to be converted to a 1 bed unit, has altered the outlook to this unit as higher-level windows are proposed to the east side, but an additional sash window is proposed to the north elevation to provide additional outlook to the main living space. Given the constraints of the site and area, this is considered to be reasonable, and the proposal is policy compliant in this regard.

M4(2) – Accessibility

- 7.28 Development Management Policy DM8 requires all new residential developments to be accessible for all and to meet the standards set out in Building Regulations M4(2) - Accessible and Adaptable Dwellings, however in this case the proposal is for the change of use of an existing building therefore this requirement does not apply.

Amenity Provision

- 7.29 Policy DM8 requires all new residential units to '*Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.*' The two basement flats would have small terraces to the rear of 36sqm and 39 sqm. This is an improvement on the previous application where only one terrace was proposed. No amenity space is proposed for the remaining units. This is unchanged from the previous proposal. The lack of private amenity space for 5 of the units is a negative aspect of the proposal however, there is limited scope for additional amenity space to be provided at higher floor levels given that the building is listed. Also the site is directly opposite the Cliff Gardens and Seafront. The level of amenity space proposed is therefore, on balance, considered to be acceptable and the proposal is policy compliant in this regard.
- 7.30 Overall, therefore, it is considered that, the amended proposal has satisfactorily overcome the previous reason for refusal in relation to the standard of accommodation for future occupiers of the basement units and is now, on balance, acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 7.31 Policy DM1 of the Development Management Document states that development should, "*protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.*"

- 7.32 The proposal involves no extensions to the built form or alterations to the exterior of the main listed building except for the removal of the rain porch and demolition of the single storey rear extension and replacement of some window frames within existing openings. Given the similarities in use and outlook between a hotel and a residential building it is considered that the proposed change of use will not have a significant impact on the amenities of neighbours in any regard.
- 7.33 The proposal includes conversion of the outbuilding to residential accommodation. This includes the introduction of new windows on the east and north elevations at ground floor and the removal of windows in the south elevation at first floor. The new windows at ground floor will look onto the rear vehicular access and will not have a material impact on privacy of the neighbouring unit.
- 7.34 The proposal is therefore acceptable and policy compliant in its impact on neighbour amenity.

Traffic and Transportation Issues

- 7.35 The existing hotel has 14 bedrooms and 5 off street parking spaces. Policy DM15 states that hotels in the central area should provide 1 space per bedroom but such standards are expressed as a maximum. The existing use is therefore notionally deficient by 9 spaces.
- 7.36 The proposal seeks to convert the building into 7 flats and proposes 2 off street parking spaces. Cycle storage for 7 bikes and a refuse and recycling area containing 6 wheelie bins is also proposed to the rear of the building with access to the rear vehicular access way. Policy DM15 states that flats in the central area should provide a minimum 1 space per flat. The proposal has a deficiency of 5 spaces in relation to this policy but DM15 states that *'Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.'* The site is in a sustainable location close to public transport and amenities.
- 7.37 The previously refused application included 3 parking spaces to the rear which was found to be acceptable in relation to parking provision given the circumstances of the site and proximity to the town centre. Within the current scheme one fewer space is proposed. This is to provide satisfactory access to the proposed bin and cycle store to the rear of the building which was previously found to be unacceptable in the refused 2021 application as it required access via third party land. The proposed provision is not considered to have any adverse parking or highway safety impacts, The Council's Highways team have not raised any objections in this case, including due to the sustainable location of the site.
- 7.38 The proposal is considered to have overcome the previous reason for refusal in relation to refuse and cycle parking provision at the site and is acceptable and policy compliant in regards to all highways matters.

Sustainable Construction

- 7.39 Policy KP2 of the Core Strategy states that *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of*

the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide”.

- 7.40 In this instance, given that the proposal relates to the conversion of listed buildings and the confined and exposed nature of the site, it is considered that it would not be appropriate to require renewable technologies provision as part of any decision.
- 7.41 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings and appliances. This requirement is considered to be reasonably compatible with the constraints of the heritage asset and could be controlled by condition were the proposal otherwise acceptable. The proposal is therefore considered to be acceptable with reference to these matters.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.42 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This has been paid and the proposal is acceptable and contrary to policy in this regard.

Other Matters - Fire Access

- 7.43 The Fire Brigade have raised concerns about access to the unit in the outbuilding as the rear access is not suitable for fire appliances but have agreed that this can be addressed via sprinklers. This solution is considered to be acceptable and could be addressed separately under Building Regulations.

Community Infrastructure Levy (CIL)

- 7.44 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 498 sqm, which may equate to a CIL charge of approximately £19134.69 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

8.1 Given that the proposal has not fully addressed elements of Policy DM12 in relation to the loss of visitor accommodation for the town, an appropriate balancing exercise must be undertaken to determine whether the public benefits of the proposal outweigh harm caused in this case. Weighing in favour of the public benefits of the proposal are:

- The provision of housing (7 units) - The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the *National Planning Policy Framework* is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the *Framework* taken as a whole. As noted above the amended proposal has overcome the previous reason for refusal in relation to the quality of accommodation for future occupiers and the proposed units are now considered to be good quality.
- Enhancement of the listed building and securing its future viability - The proposal includes a number of significant enhancements to the listed building as compared to the previous scheme. These enhancements are generally over and above what is required for the conversion of the building in terms of standard of accommodation for future occupiers and add significant value to the scheme as compared to the previous applications. It is unlikely that all these enhancements would be brought forward independent of this proposal so this is a good opportunity to achieve positive change for the listed building. The completed scheme will also provide an optimal viable use for the listed building securing its future retention and preservation. These enhancements are a significant benefit of the scheme and their implementation can be secured by condition.
- Very little weight can be given to the personal circumstances of the applicant in this case.

8.2 The amended proposal has satisfactorily addressed the previous reasons for refusal in relation to the standard of accommodation, refuse and cycle storage arrangement and RAMS. Overall, on balance, it is considered that, in this particular case, the public benefits of the amended proposal, including the provision of good quality housing and the significant enhancements to the listed building are of sufficient public benefit to the Borough to overcome the negative aspects of the proposal in relation to the loss of visitor accommodation.

8.3 The planning application and listed building consent are 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 not later than three years from the date of this decision.

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

02 The development hereby permitted shall be carried out solely in accordance with the following approved plans 1436-01B, 1436-02G, 1436-03D, 1436-04A, 1436-05B, 1436-06, 1436-07B

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works as shown in the approved plans shall take place unless and until full product details of the materials to be used on all the external and internal elevations, including roofs, walls (external infill and new partitions and ceilings), all new windows and doors including dormers, external terraces, boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in full accordance with the approved details before it is brought into first use.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the rear extension and internal partitions as set out in the approved plans shall take place unless and until full design details for the proposed heritage enhancement works as set out in document titled 'Schedule of Enhancements to 5 and 6 Clifftown Parade for 21/02172/FUL & 21/02173/LBC dated 13.12.21' have first been submitted to and agreed in writing by the Local Planning Authority. These shall include:

- (i) Design details including large scale cross sections at 1:10 or 1:20 as appropriate for the proposed remodelling of the mansard roof at number 5 Clifftown Parade including replacement front dormer window arrangement and detailing of new facing materials including ridge and eaves detail.**
- (ii) A schedule of all windows identifying all original and non-original windows. All original windows shall be retained and refurbished as required. All non-original windows shall be replaced with new single glazed timber sash windows of the original design. Full detailing of the replacement windows including large scale details and sections at a scale of 1:10 shall be provided.**
- (iii) Large scale details and sections at 1:5 or 1:10 as appropriate of proposed replacement skirting boards, cornices and internal doors and architraves.**
- (iv) Large scale details of the proposed outbuilding windows and doors at a scale of 1:10 or 1:20 as appropriate.**
- (v) Full details of making good of the front elevation following removal of the rain porch and the infilling of the rear elevation at lower ground floor following removal of the existing single storey extension including replicating stone surround to match upper floors.**

- (vi) Any new servicing required by the conversion scheme which impacts on the external elevations including meter boxes, vents and pipes.

The development shall be carried out and completed in full accordance with the approved details before the development hereby approved is brought into use.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building in accordance with the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

05 The 2 car parking spaces (including 1 disabled spaces) shown on approved plan 1436-03D shall be provided and made available for use at the site prior to the first occupation of the flats hereby approved. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles in connection with the occupiers of the dwellings hereby approved and their visitors.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

06 The development hereby approved shall not be occupied until and unless full details of the refuse and recycling store and the secure, covered cycle parking to serve the flats have been previously submitted to and agreed in writing by the Local Planning Authority . The development shall be implemented in full accordance with the approved details and shall be made available for use prior to first occupation of the development and shall be retained for the lifetime of the development.

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

07 Prior to occupation of the flats hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained in perpetuity.

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

08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the existing building shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority . The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i) Any new means of enclosure, of the site including any gates or boundary fencing including internal divisions between the rear amenity spaces and storage areas;**
- ii) Any new hard surfacing materials;**
- iii) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.**

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

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

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

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

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative

that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

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 advised that, in order to meet Building Regulations requirements for plot 7, which is over 45m from the highways, sprinklers will be required to be installed in this unit (as this planning permission and listed building consent does not consent for a dry riser to be installed through the listed building which is the only other alternative). The sprinklers will not require listed building consent in this case as the outbuilding is not historic and therefore does not fall under the remit of the listing.

GRANT LISTED BUILDING CONSENT subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out solely in accordance with the following approved plans 1436-01B, 1436-02G, 1436-03D, 1436-04A, 1436-05B, 1436-06, 1436-07B

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works as shown in the approved plans shall take place unless and until full product details of the materials to be used on all the external and internal elevations, including roofs, walls (external infill and new partitions and ceilings), all new windows and doors including dormers, external terraces, boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in full accordance with the approved details before it is brought into first use.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the rear extension and internal partitions as set out in the approved plans shall take place unless and until full design details for the proposed heritage enhancement works as set out in document titled 'Schedule of Enhancements to 5 and 6 Clifftown Parade for 21/02172/FUL & 21/02173/LBC dated 13.12.21' have first been submitted to and agreed in writing by the Local Planning Authority. These shall include:

- (vii) Design details including large scale cross sections at 1:10 or 1:20 as appropriate for the proposed remodelling of the mansard roof at number 5 Clifftown Parade including replacement front dormer window arrangement and detailing of new facing materials including ridge and eaves detail.**
- (viii) A schedule of all windows identifying all original and non-original windows. All original windows shall be retained and refurbished as required. All non-original windows shall be replaced with new single glazed timber sash windows of the original design. Full detailing of the replacement windows including large scale details and sections at a scale of 1:10 shall be provided.**
- (ix) Large scale details and sections at 1:5 or 1:10 as appropriate of proposed replacement skirting boards, cornices and internal doors and architraves.**
- (x) Large scale details of the proposed outbuilding windows and doors at a scale of 1:10 or 1:20 as appropriate.**
- (xi) Full details of making good of the front elevation following removal of the rain porch and the infilling of the rear elevation at lower ground floor following removal of the existing single storey extension including replicating stone surround to match upper floors.**
- (xii) Any new servicing required by the conversion scheme which impacts on the external elevations including meter boxes, vents and pipes.**

The development shall be carried out and completed in full accordance with the approved details before the development hereby approved is brought into use.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building in accordance with the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

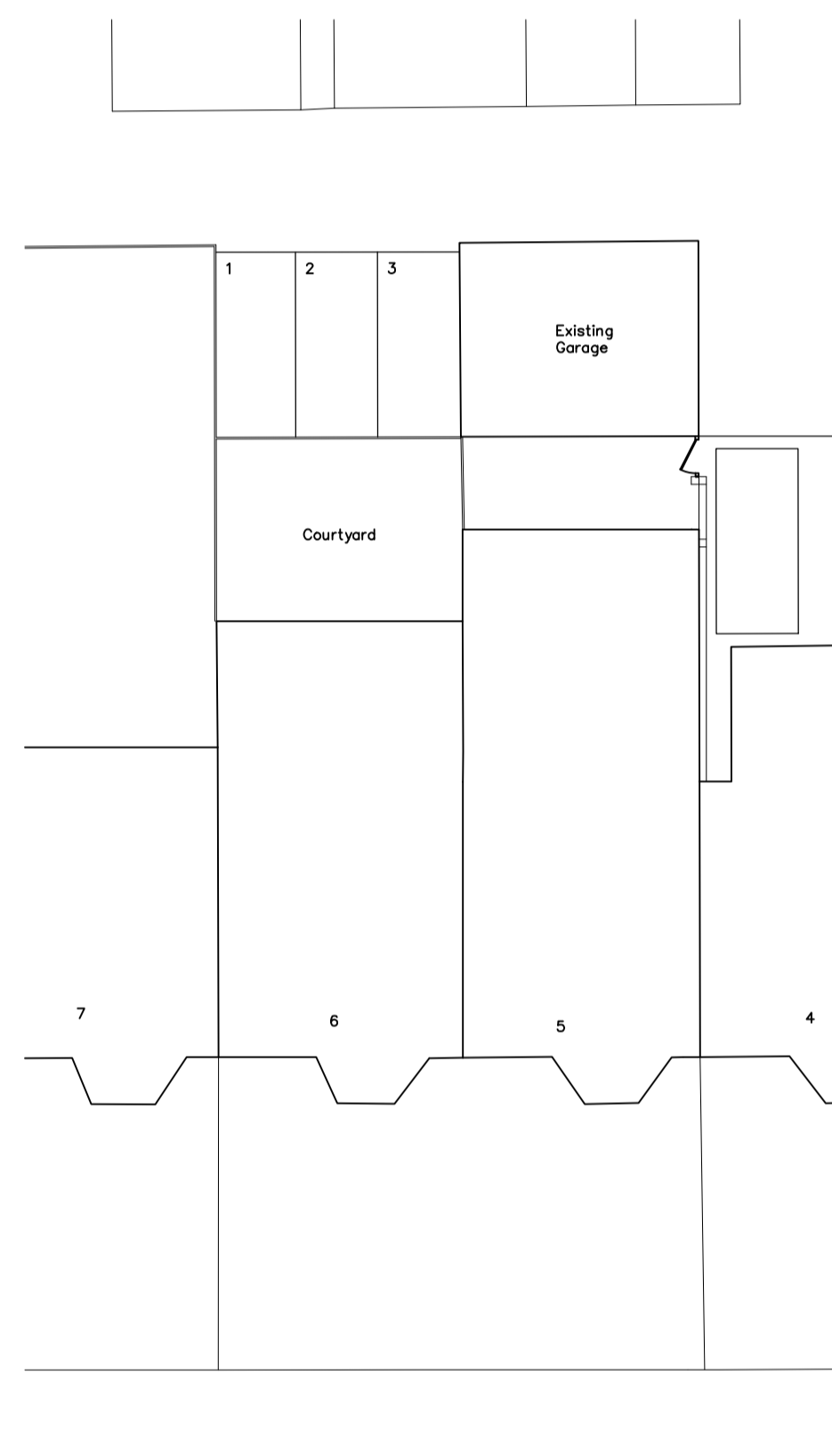
Informatives

01 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.

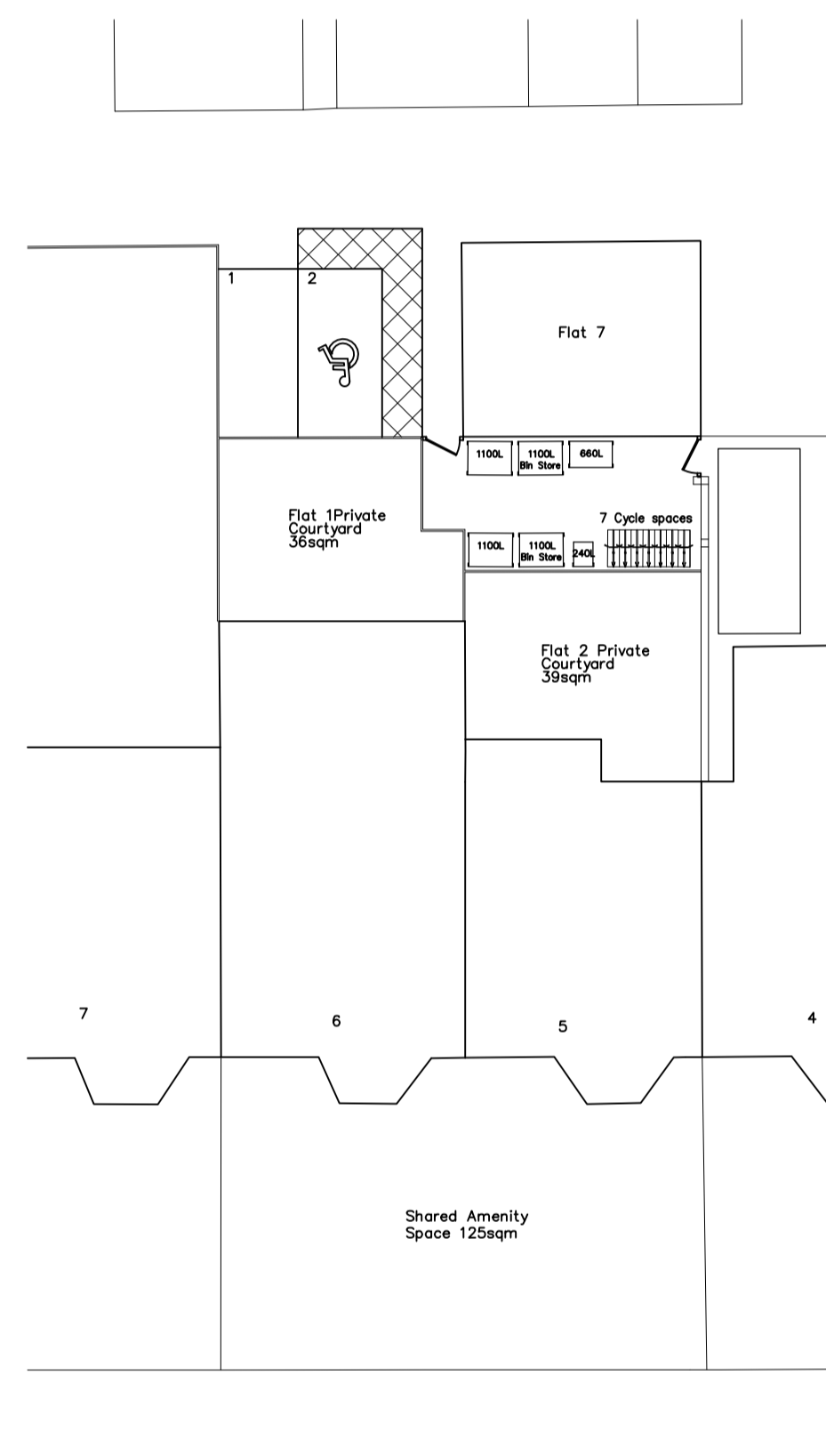
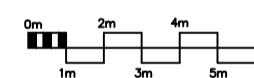
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local 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.

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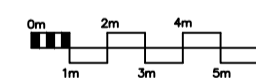
Existing Block Plan
Scale 1:200

CLIFFTOWN PARADE



Proposed Block Plan
Scale 1:200

CLIFFTOWN PARADE



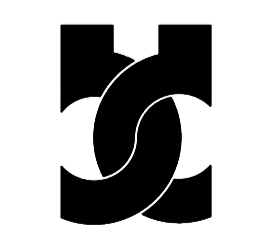
Household Waste Requirements:

Assume - 240 litres per flat per week for general waste
 240 litres per flat per week for plastics/cans/glass
 38 litres per flat per week for paper

Therefore, for 7 flats 2No 1100 litre Eurobins required (240x7=1680 litres) for general waste and the same for plastics/cans/glass - totalling 4No 1100 litre Eurobins.
 For paper, a 660 litre bin is required (38x7=266 litres).

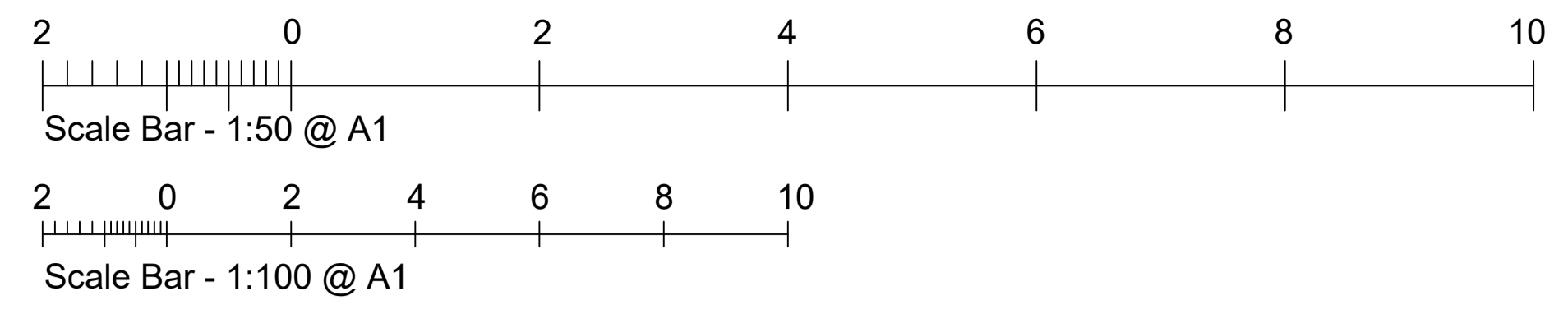
For Kitchens a 5 litre caddies to be provided for each flat for kerbside collection (alternatively for disposal in general waste).

For garden waste allow a 240 litre wheelle bin.

PROJECT: Gleneagles Guesthouse 5-6 Clifftown Parade		 BRELEY DESIGN LTD Breley Design Ltd, Harrier House Aviation Way, Southend on Sea Essex SS2 6LN, England. Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com
TITLE: Existing & Proposed Block Plan		
SCALE: 1:50/100 @ A1	DATE: DEC 20	
Drawing No: 1436-03	REV: D	

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Existing South (Front) Elevation
Scale 1:100 @ A1



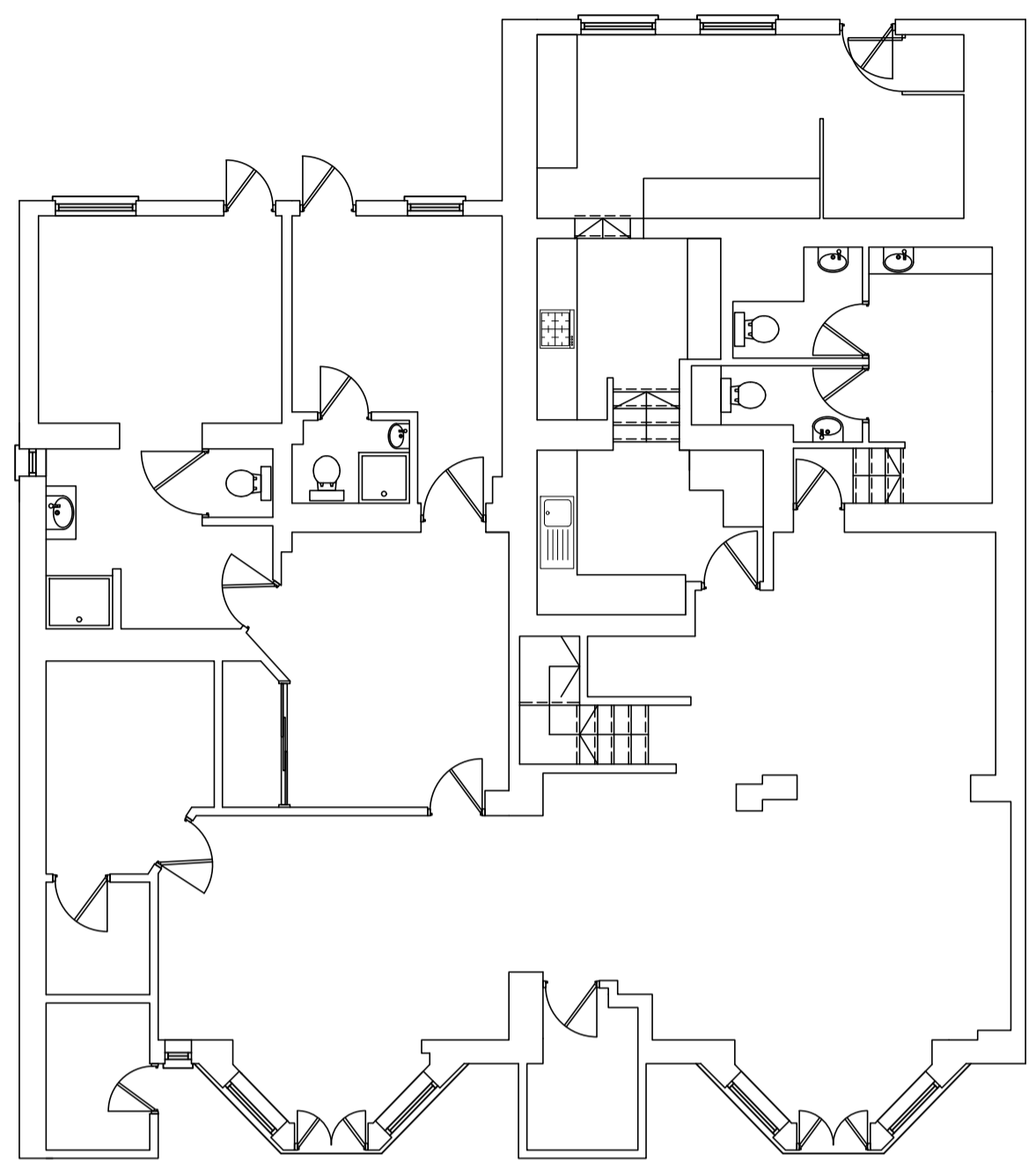
Existing South (Rear) Elevation
Scale 1:100 @ A1

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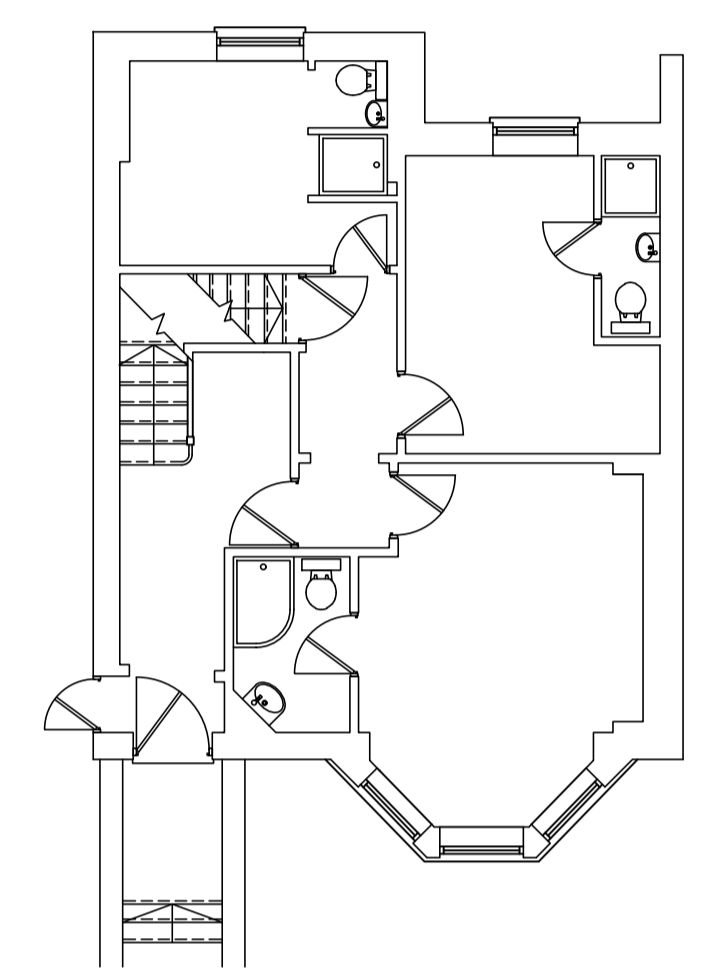
PROJECT: Gleneagles Guesthouse 5-6 Clifftown Parade		 BRELEY DESIGN LTD <small>Breley Design Ltd, Harrier House Aviation way, Southend-on-Sea Essex SS2 6JN, England. Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com</small>
TITLE: Existing Elevations		
SCALE: 1:100 @ A1	DATE: June 21	
Drawing No: 1436-06	REV:	

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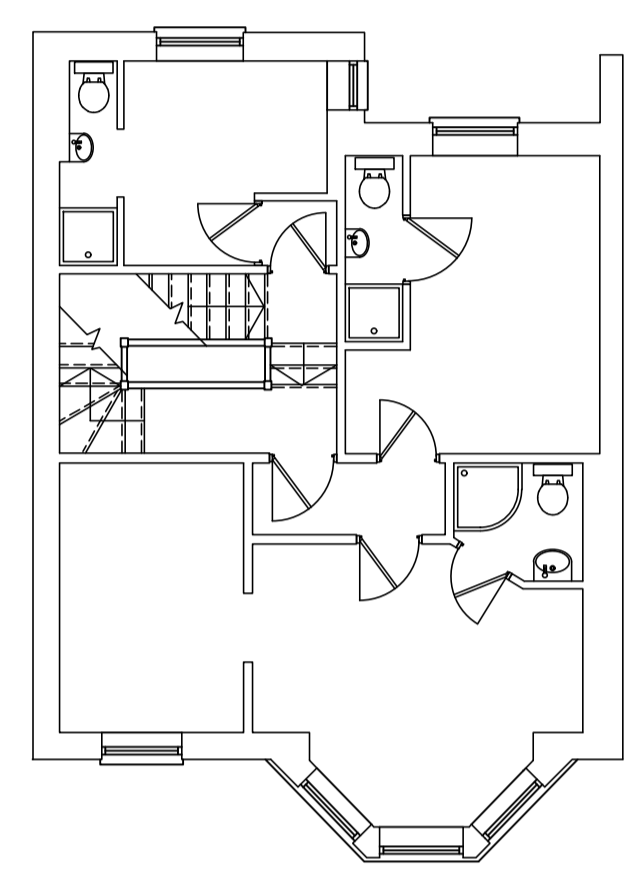
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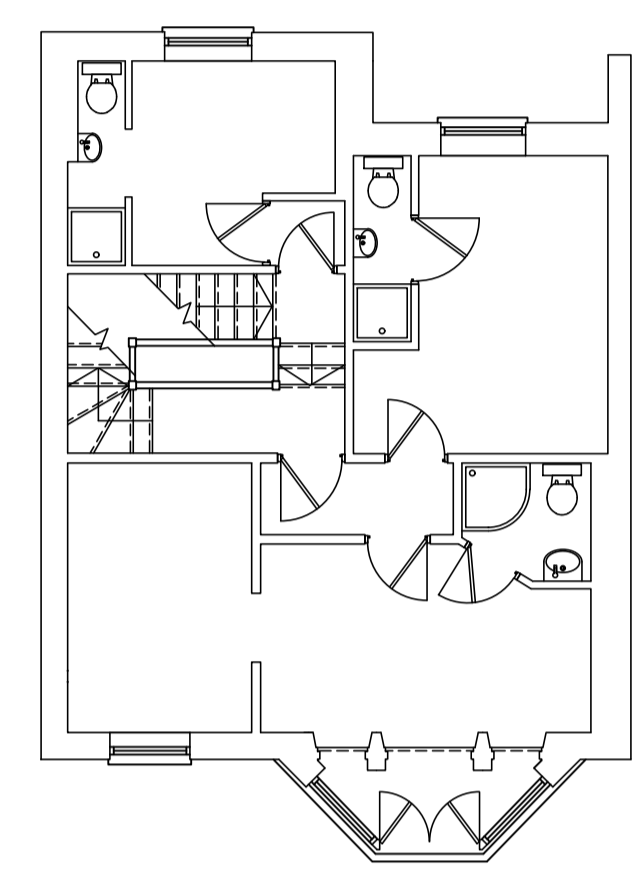
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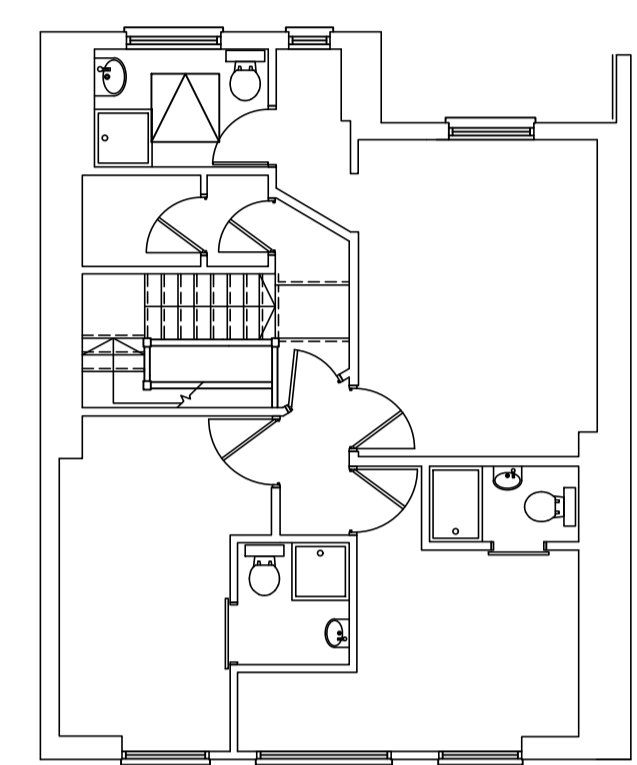
Existing Ground Floor
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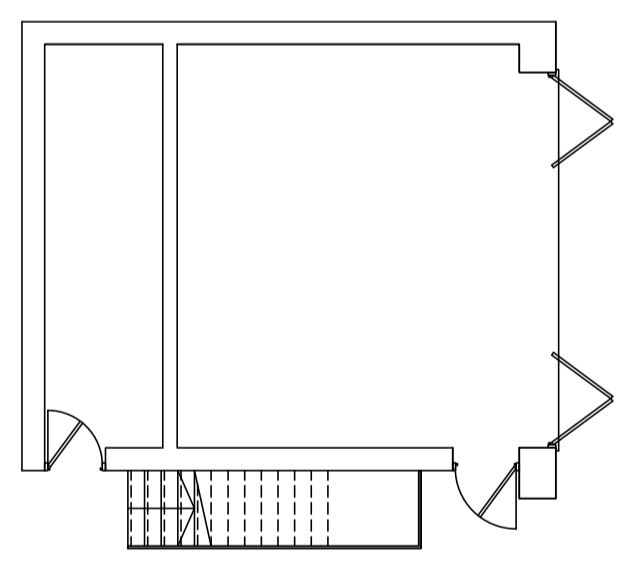
Existing First Floor
Scale 1:100 @ A1



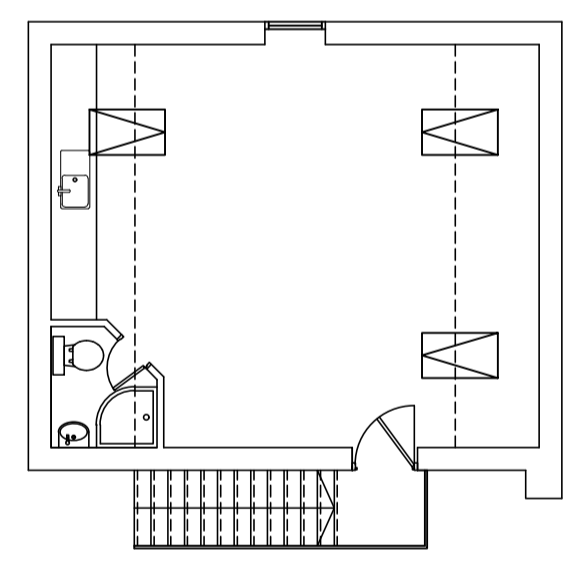
Existing Second Floor
Scale 1:100 @ A1



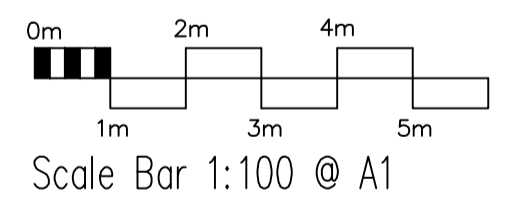
Existing Third Floor
Scale 1:100 @ A1



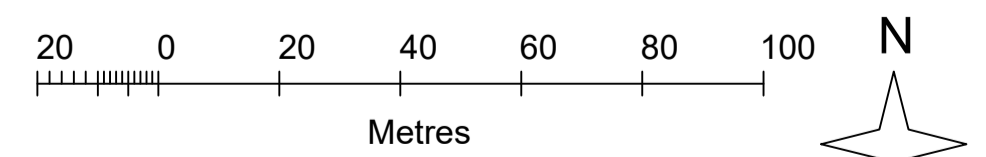
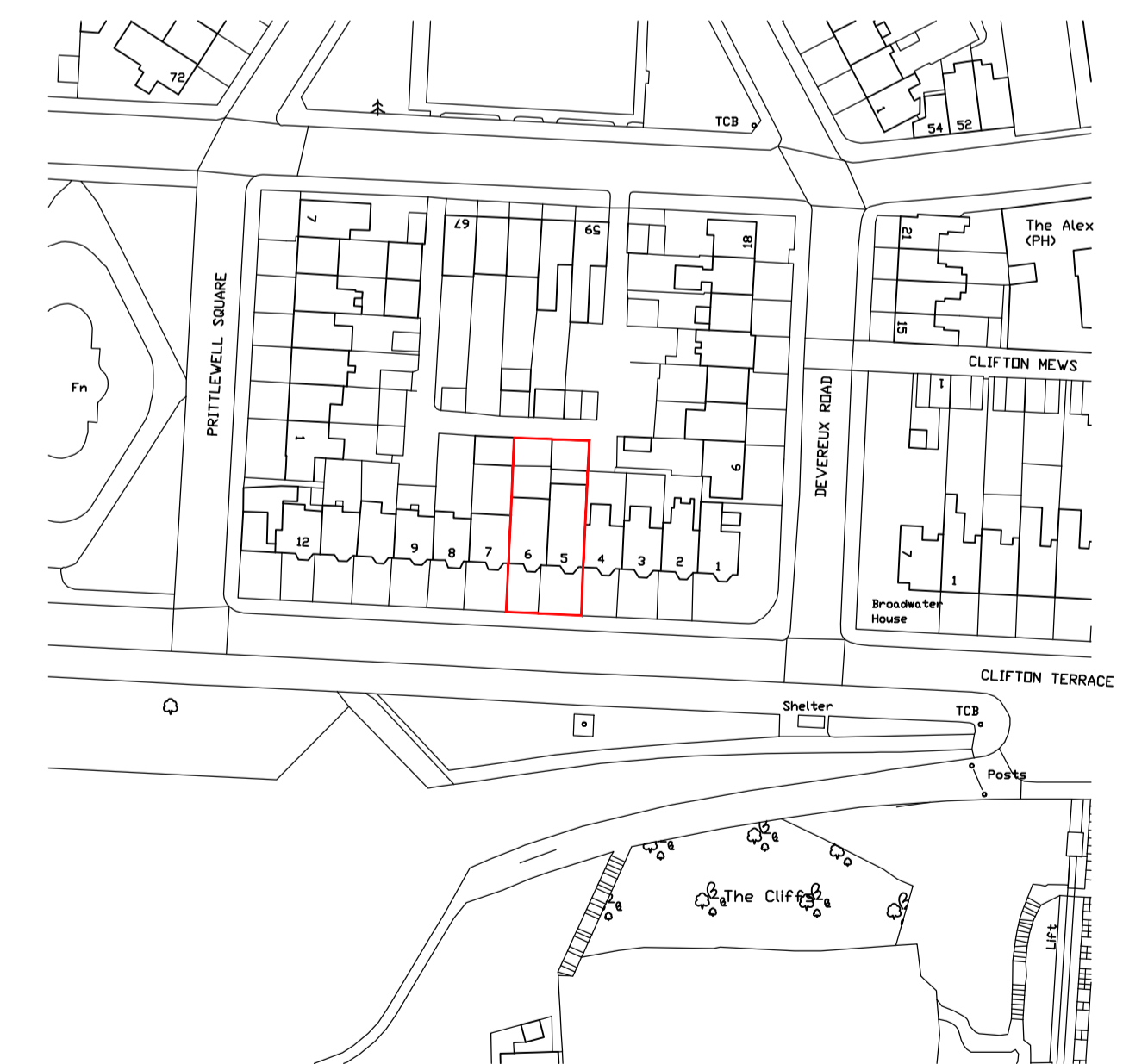
Existing Garage Ground Floor
Scale 1:100 @ A1



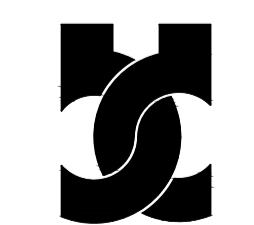
Existing Garage First Floor
Scale 1:100 @ A1



Scale Bar 1:100 @ A1

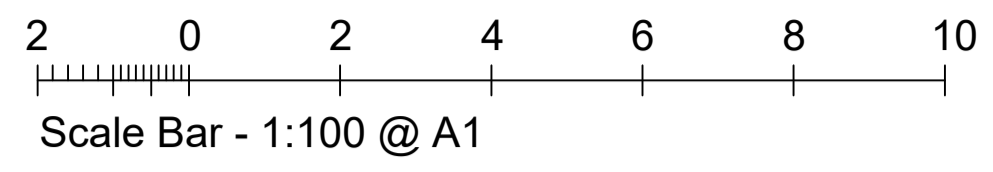
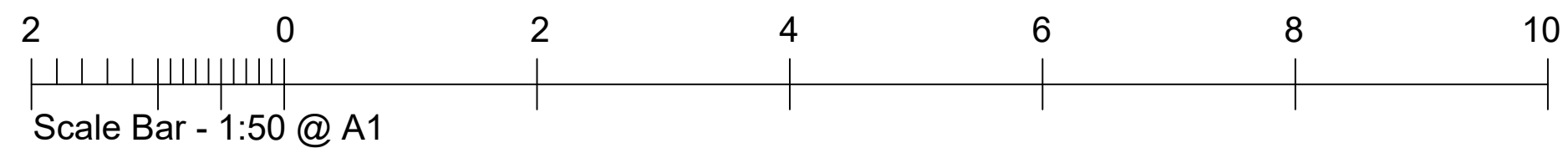


Location Plan
Scale Bar 1:1250 @ A1

PROJECT: Gleneagles Guesthouse 5-6 Clifftown Parade		 Breley Design Ltd, Harrier House Aviation way, Southend-on-Sea Essex SS2 6LN, England. Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com
TITLE: Existing Layouts		
SCALE: 1:100 @ A1	DATE: DEC 20	
Drawing No: 1436-01	REV: B	

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Proposed South (Front) Elevation
Scale 1:100 @ A1
Unaffected by proposals

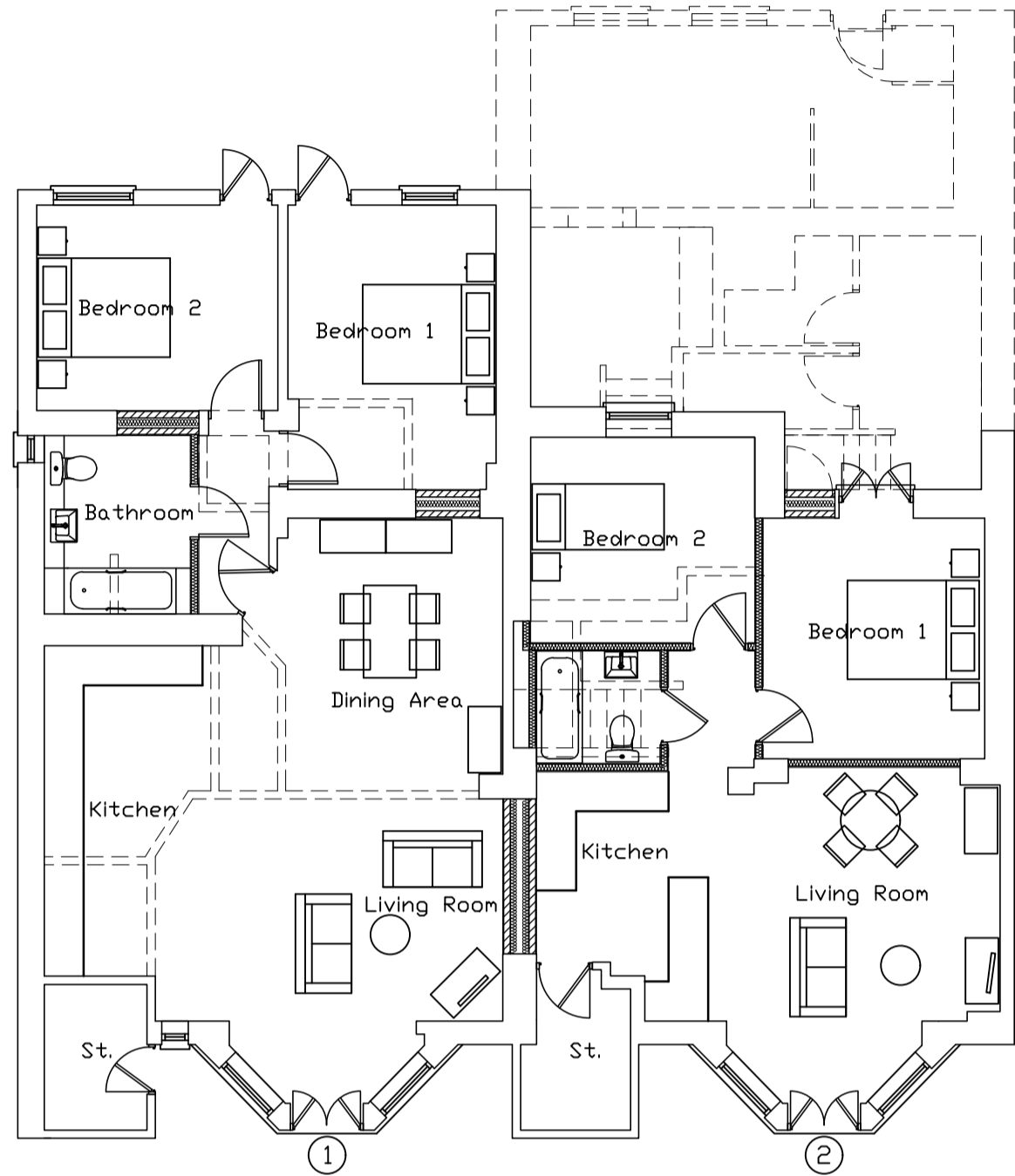


Proposed South (Rear) Elevation
Scale 1:100 @ A1

247

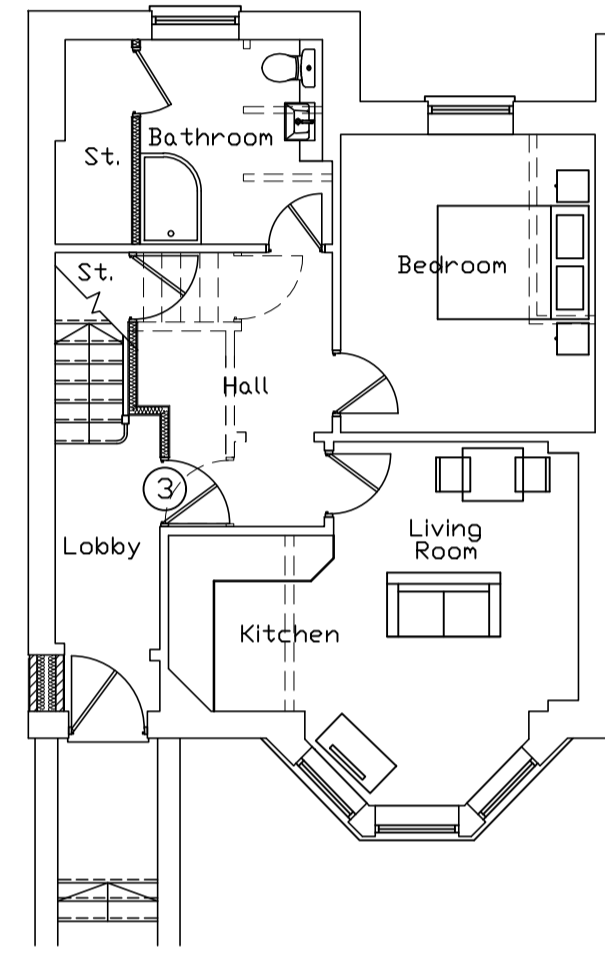
PROJECT: Gleneagles Guesthouse 5-6 Clifftown Parade		<p>BRELEY DESIGN LTD</p> <p>Breley Design Ltd, Harrier House Aviation way, Southend-on-Sea Essex SS2 6UN, England Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com</p>
TITLE: Proposed Elevations		
SCALE: 1:100 @ A1	DATE: Oct 21	
Drawing No. 1436-07	REV. B	
<p>Copyright of this drawing shall remain the property of Breley Design Limited. It may not be used in whole or part by any other parties for any other purpose without prior consent. All dimensions to be checked on site and any discrepancies reported to Breley Design Limited before work commences.</p>		

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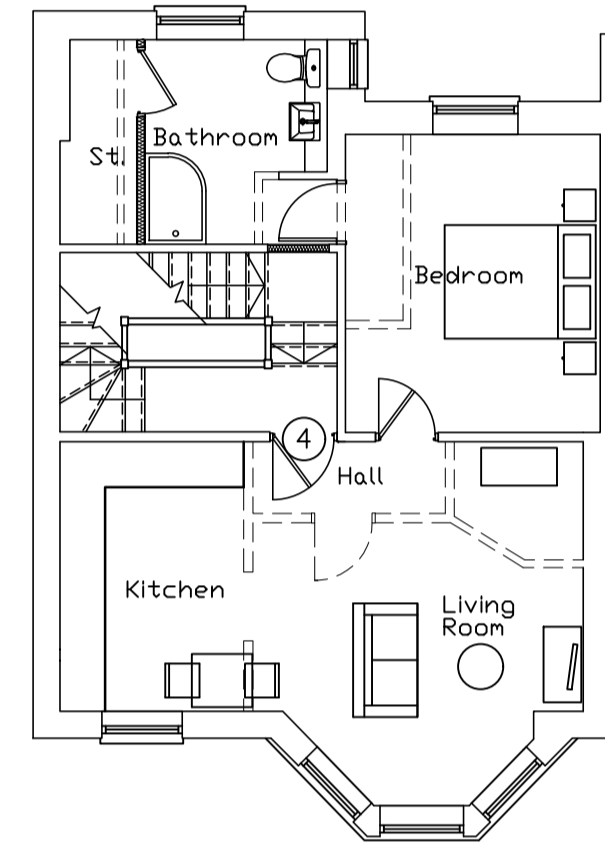
Proposed Lower Ground Floor
Scale 1:100 @ A1

==== Denotes existing structure to be demolished and surrounding areas made good



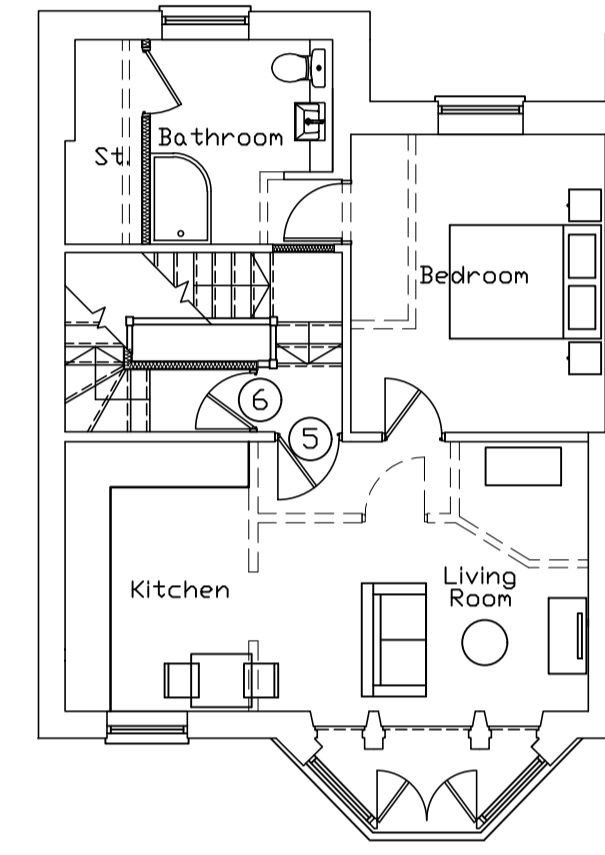
Proposed Ground Floor
Scale 1:100 @ A1

==== Denotes existing structure to be demolished and surrounding areas made good



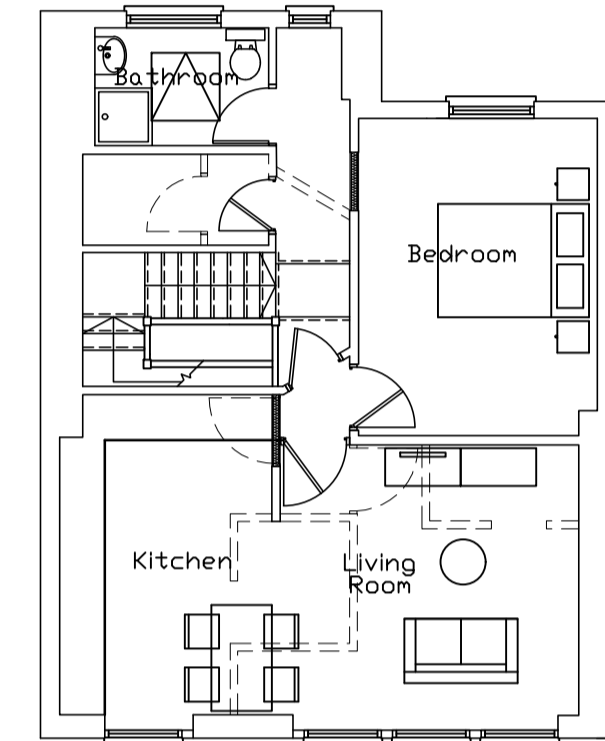
Proposed First Floor
Scale 1:100 @ A1

==== Denotes existing structure to be demolished and surrounding areas made good



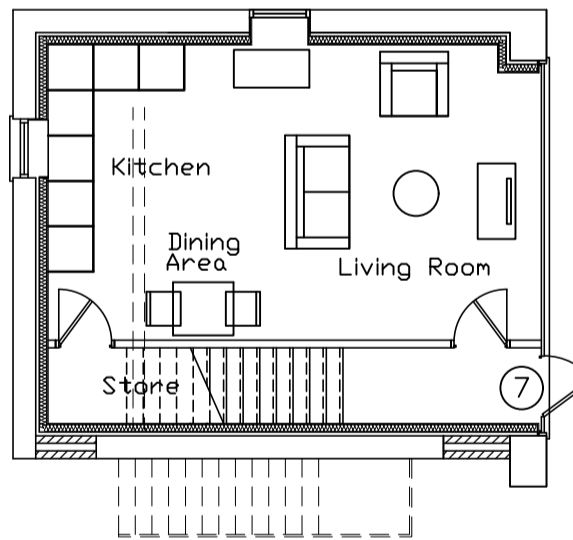
Proposed Second Floor
Scale 1:100 @ A1

==== Denotes existing structure to be demolished and surrounding areas made good



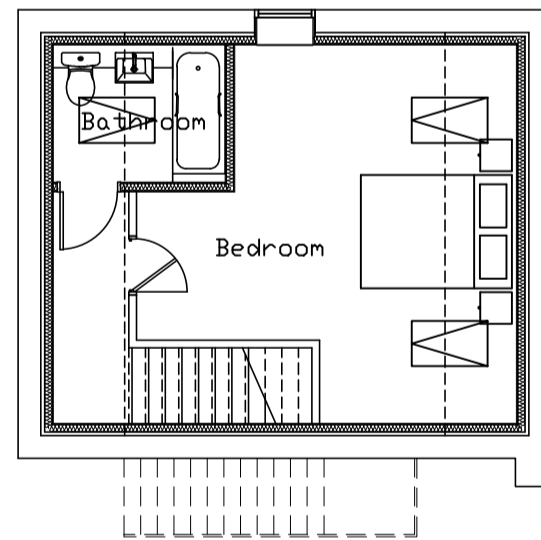
Proposed Third Floor
Scale 1:100 @ A1

==== Denotes existing structure to be demolished and surrounding areas made good



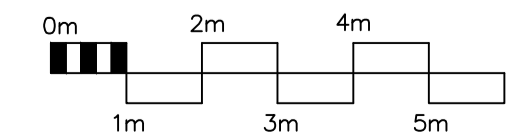
Proposed Ground Floor
Scale 1:100 @ A1

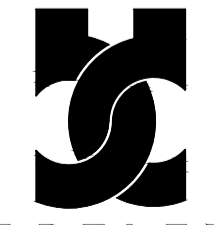
==== Denotes existing structure to be demolished and surrounding areas made good



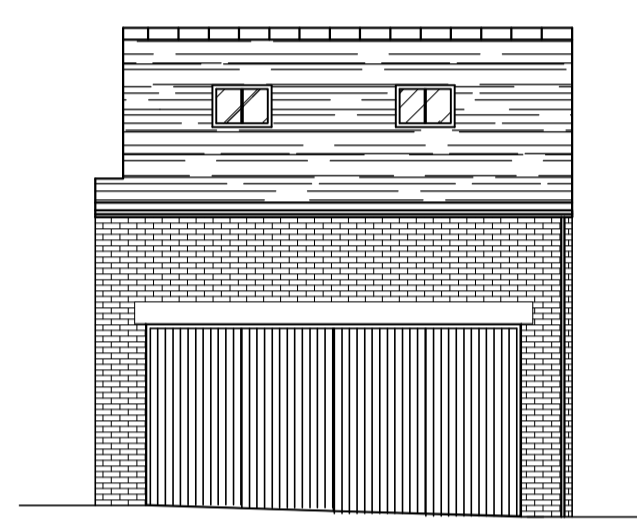
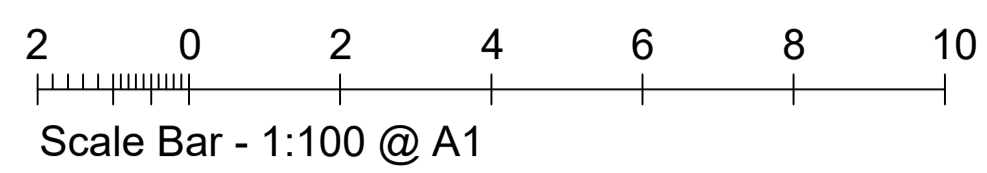
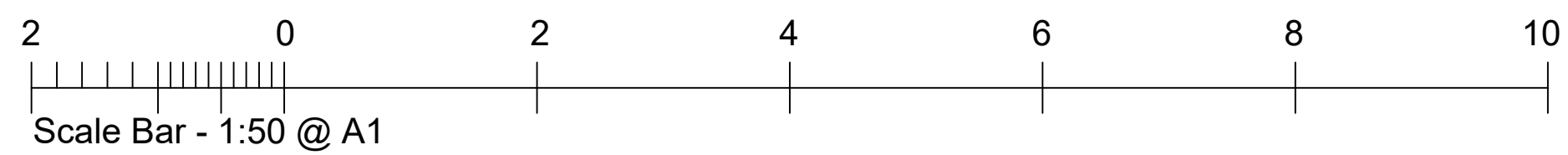
Proposed First Floor
Scale 1:100 @ A1

==== Denotes existing structure to be demolished and surrounding areas made good

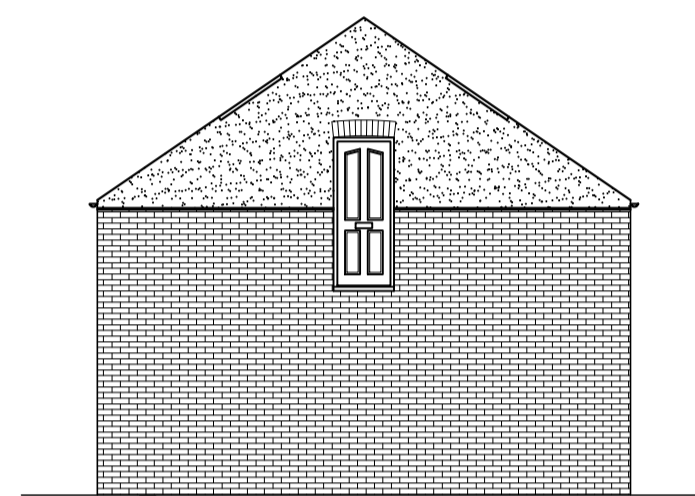


PROJECT: Gleneagles Guesthouse 5-6 Clifftown Parade		 BRELEY DESIGN LTD <small>Breley Design Ltd, Harrier House Aviation way, Southend-on-Sea Essex SS2 6UN, England Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com</small>
TITLE: Proposed Layouts		
SCALE: 1:100 @ A1	DATE: Jan 21	
Drawing No. 1436-02	REV. G	
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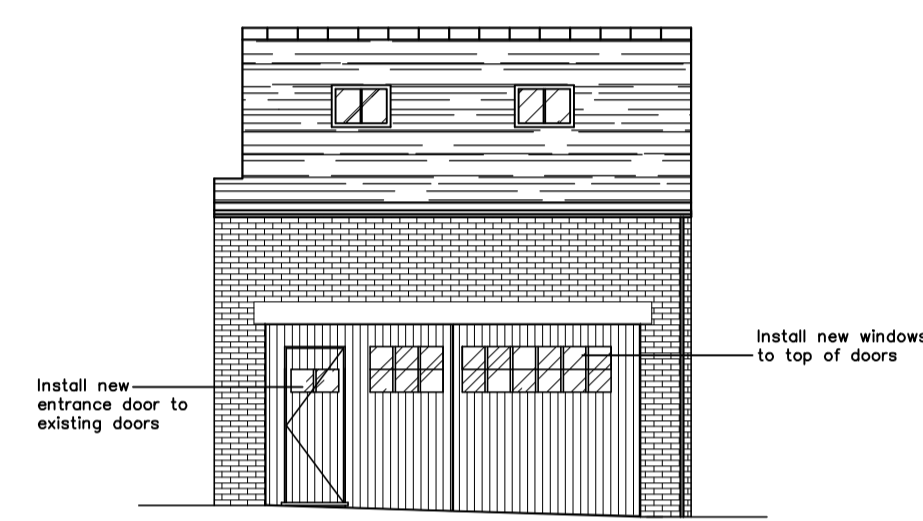
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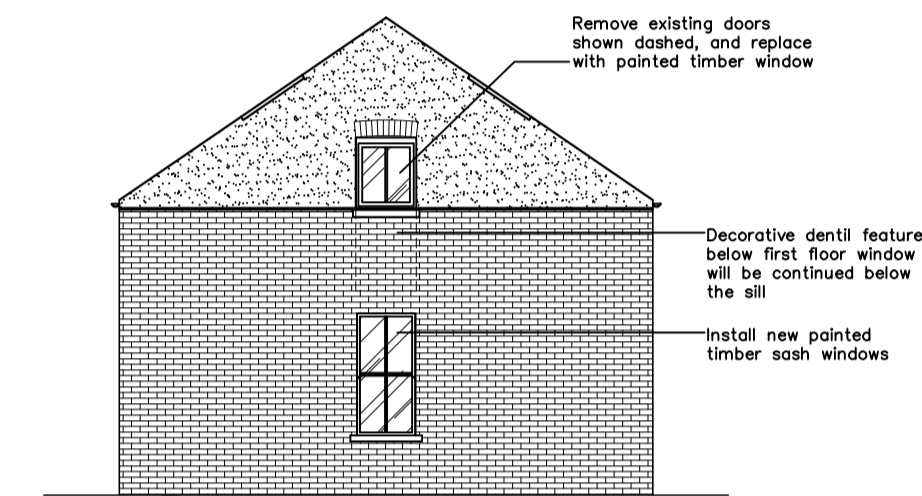
Existing East Elevation
Scale 1:100 @ A1



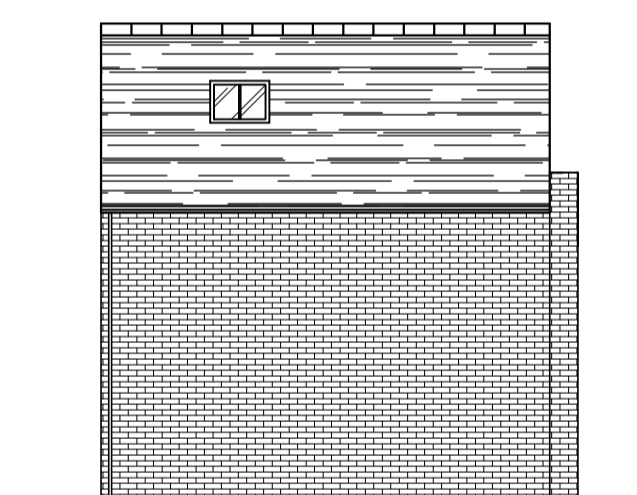
Existing North Elevation
Scale 1:100 @ A1



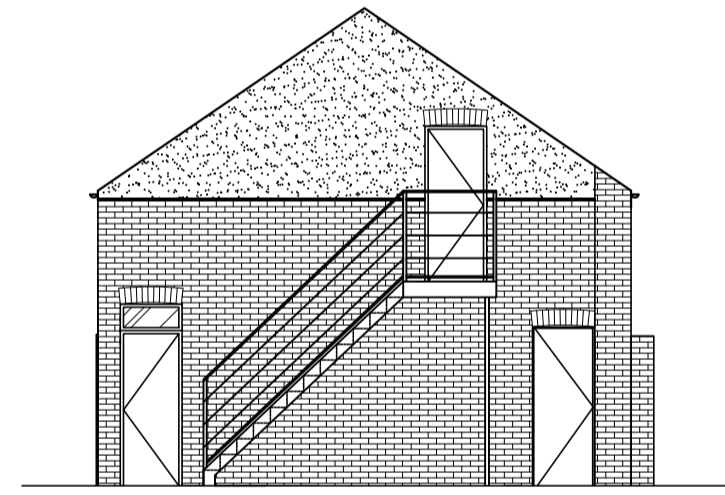
Proposed East Elevation
Scale 1:100 @ A1



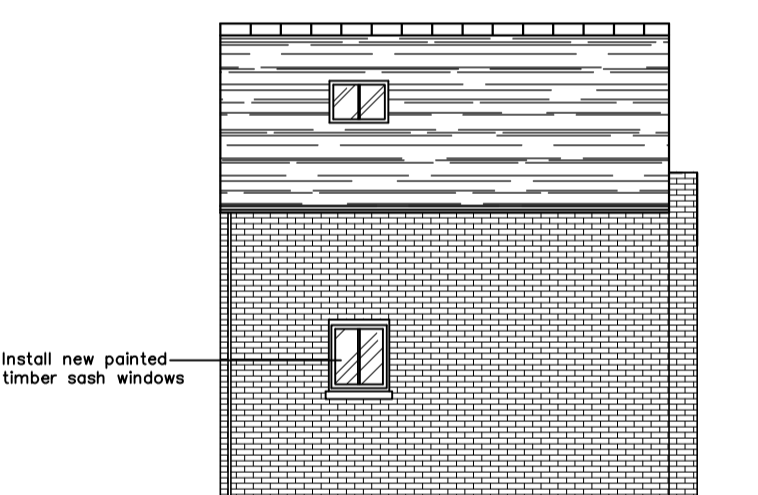
Proposed North Elevation
Scale 1:100 @ A1



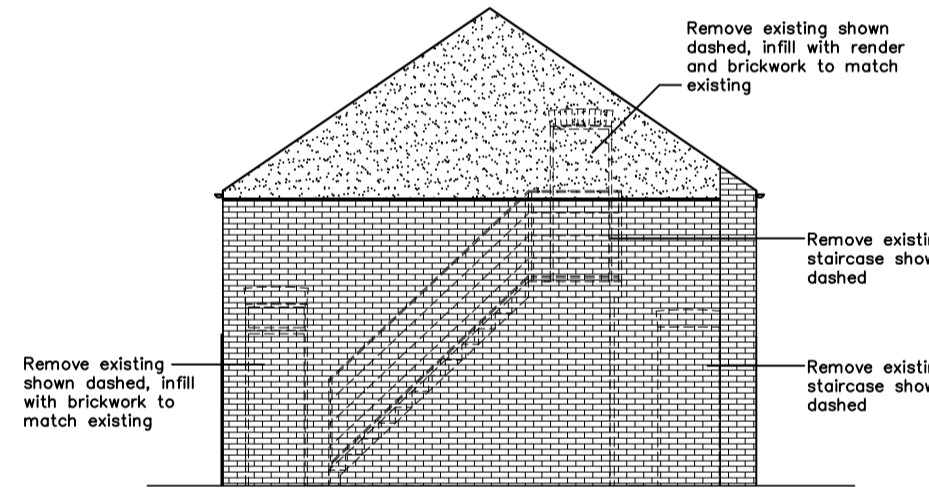
Existing West Elevation
Scale 1:100 @ A1



Existing South Elevation
Scale 1:100 @ A1



Proposed West Elevation
Scale 1:100 @ A1

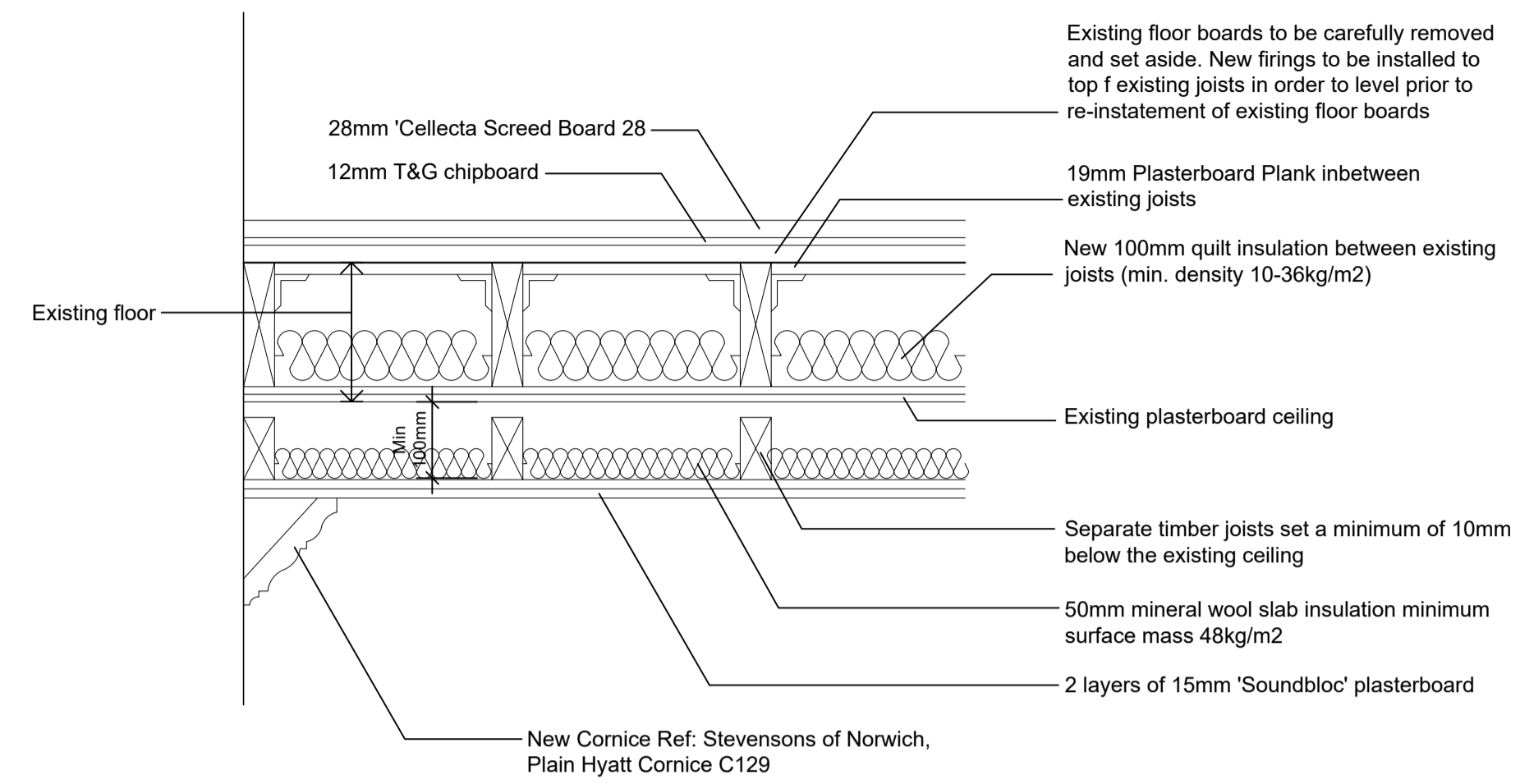


Proposed South Elevation
Scale 1:100 @ A1

251


PROJECT: Gleneagles Guesthouse 5-6 Clifftown Parade		<p>BRELEY DESIGN LTD</p> <p>Breley Design Ltd, Harrier House Aviation way, Southend-on-Sea Essex SS2 6UN, England Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com</p>
TITLE: Existing and Proposed Garage Elevations		
SCALE: 1:100 @ A1	DATE: June 21	
Drawing No. 1436-05	REV. B	
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Acoustic Upgrade to Existing Floor (Existing Building)

Scale 1:10

PROJECT: Gleneagles Guesthouse 5-6 Clifftown Parade		 BRELEY DESIGN LTD Breley Design Ltd, Harrier House Aviation Way, Southend on Sea Essex SS2 6UN, England Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com
TITLE: Detail Sheet 1		
SCALE: 1:50/100 @ A1	DATE: MAY 2021	
Drawing No. 1436-04	REV. A	
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Gleneagles Hotel 5-6 Clifftown Parade

Photos for 21/02172/FUL and 21/02173/LBC

Existing front elevation

Proposed Enhancement

²⁵⁰
Dormer to be re faced in natural slate and windows amended to timber sashes



Proposed Enhancement

251
Modern porch
to be removed



Existing Rear
Elevation

Proposed
Enhancement

258

Single storey
kitchen
extension to be
removed



Existing Rear
Elevation and
Parking area

Proposed
Enhancement

259

reinstatement of
rear casement
windows with
timber sashes



Existing
modern
outbuilding
to be
converted
to ₂₆₀ 1 bed flat



Proposed Enhancement

removal of
modern
partitions and
replacement of
modern doors
with traditional
timber panelled
doors and
architraves



Proposed Enhancement

Replacement
of modern
doors with
traditional
timber
panelled
doors



Reference:	21/02116/FULH	<h1>8</h1>
Application Type:	Full Application - Householder	
Ward:	Southchurch	
Proposal:	Erect single storey rear/side extension with roof lantern	
Address:	7 Navestock Gardens, Southend-on-Sea	
Applicant:	Mrs Holli	
Agent:	Mr Mulry of Edith Garland Architecture	
Consultation Expiry:	17th November 2021	
Expiry Date:	3 rd February 2022	
Case Officer:	Kara Elliott	
Plan Nos:	R01, R02, R03, R04/A, R05/A	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is occupied by a detached two storey dwelling and is located to the north of Navestock Gardens, a cul-de-sac.
- 1.2 The site is not located within a conservation area or subject to any site-specific planning policies

2 The Proposal

- 2.1 The application seeks planning permission for a replacement extension of a similar footprint, measuring 2.75m deep, extending 900mm deeper than the rear building line of the dwelling by 8.2m wide, not projecting further than the existing flank of the dwelling by 3m high to its flat roof. The extension would contain a rooflight and would be finished in render.
- 2.2 The roof of the existing side projection to the eastern flank would be altered from a lean-to roof to a flat roof to join the proposed extension. The proposed development would be finished in brick and render to match existing.

3 Relevant Planning History

- 3.1 None

4 Representation Summary

Public Consultation

- 4.1 The application falls to be decided by members of the Development Control Committee as the applicant has confirmed they are an Authority Employee/related to one.
- 4.2 10 neighbouring properties were notified and 1 letter of representation was received which makes the following summarised comment:
 - Concerns regarding nature and size of the roof lantern proposed and that the roof lantern glazing will shine into neighbouring property.
- 4.3 Officer comment: The comments in the representation have been taken into consideration in the assessment of the application but not found to be justifiable reasons for refusing planning permission in the circumstances of this case.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Appraisal

Principle of Development

6.1 The principle of altering an existing dwelling is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations.

Design and Impact on the Character of the Area

6.2 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

6.4 The proposed development would be a subservient and modest extension to the dwelling which has the same footprint of the existing conservatory and would be finished in materials to match the existing.

6.5 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

Amenity Impacts

6.6 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

6.7 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The dwellings are orientated around a cul-de-sac and therefore there are larger distances between neighbouring dwellings than in a usual linear streetscene formation. The nearest flank elevation of no.6, the nearest neighbour, to the south-east is some 6.7m away from the proposed development and the proposal would not therefore result in any loss of amenity to these neighbours due to this distance and the modest nature of the proposed development. The roof light given its nature and position would not result in any significant harm to

any adjoining or nearby residents in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Other Matters

- 6.8 The proposed development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.
- 6.9 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

Conclusion

- 6.10 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

7 Recommendation

7.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out only in accordance with the following approved plans: R01, R02, R03, R04/A, R05/A.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

- 03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

- 04 The roof of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.**

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

Positive and Proactive Statement:

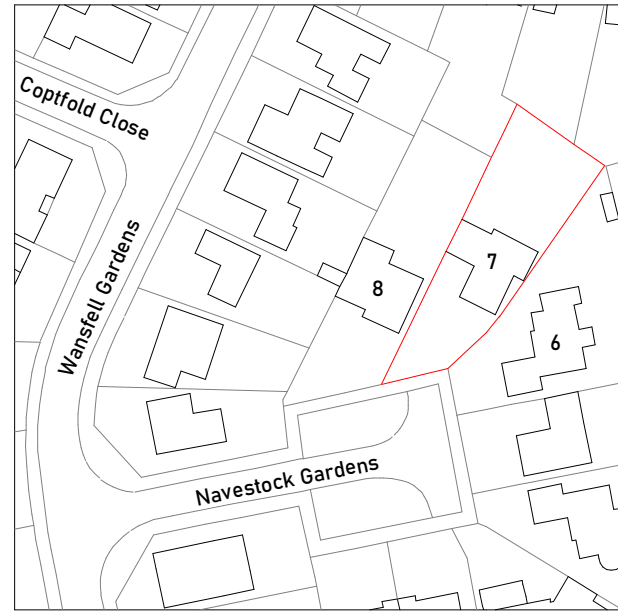
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in 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:

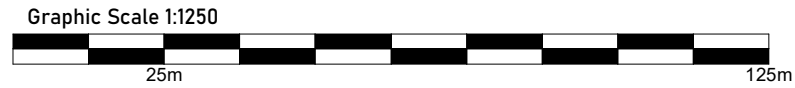
- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See 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) for further details about CIL.**

- 2 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.**

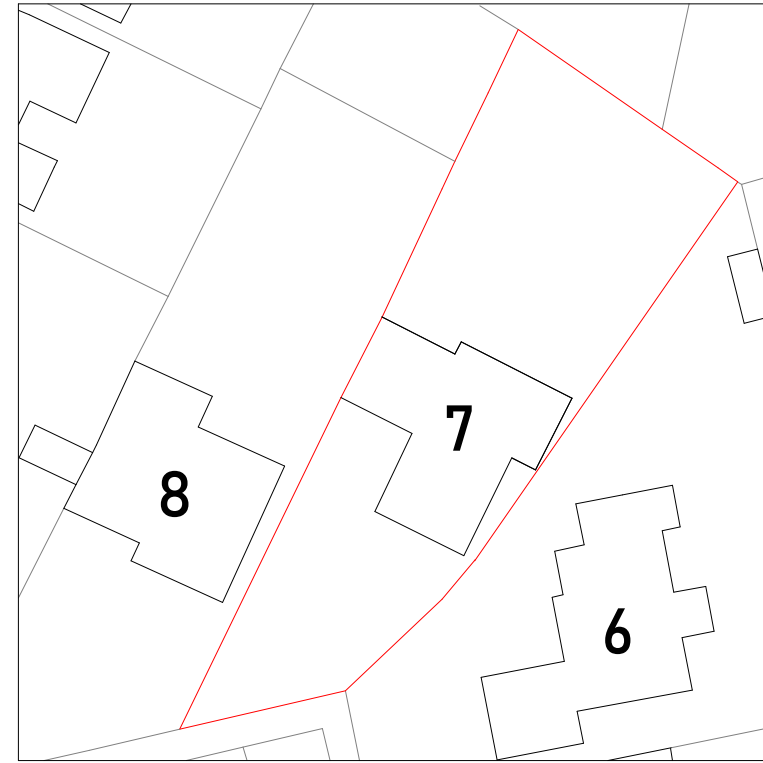
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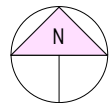
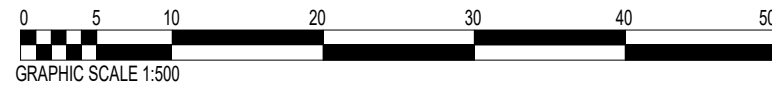
Location Plan
1 : 1250



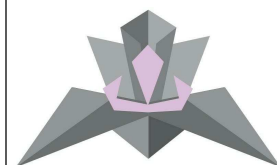
Existing & Proposed



Site Plan
1 : 500



No.	Description	Date



EDITHGARLAND
ARCHITECTURE

PROJECT
7 Navestock Gardens, Southend-On-Sea, SS1 3SR

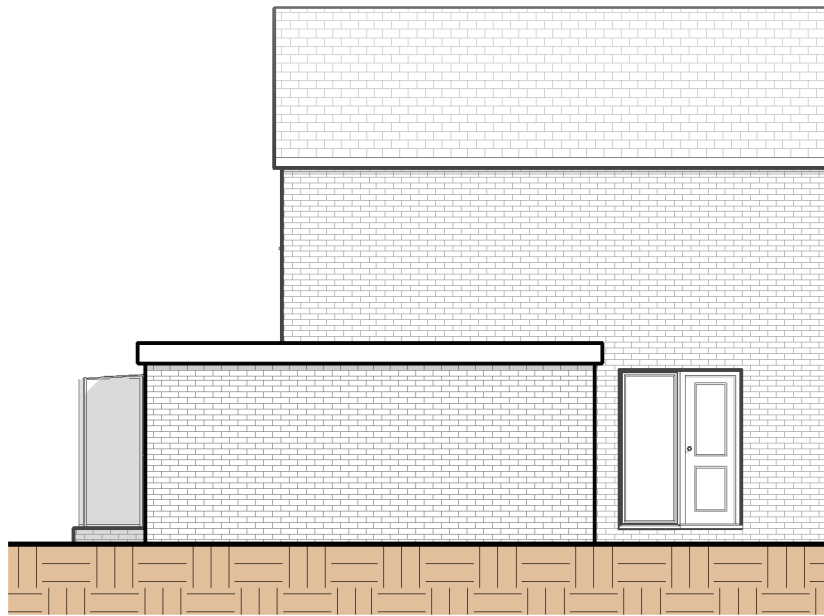
CLIENT
J Holli

Date 13/10/2021	Project number 275	Scale (@ A3) As indicated
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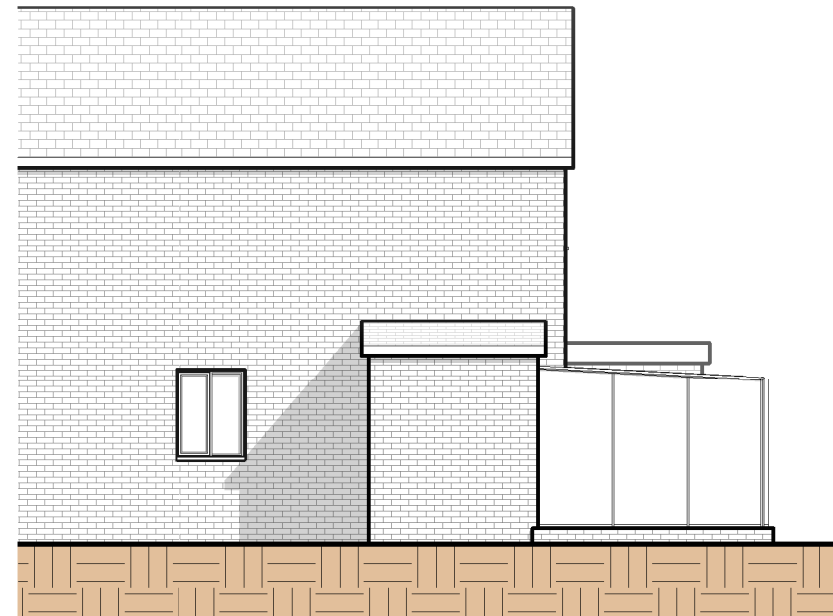
SHEET
Location and Site Plan
Proposed Single Storey Rear Extension

Drawn by JC	DRAWING NUMBER R01	REV
Checked by LM		

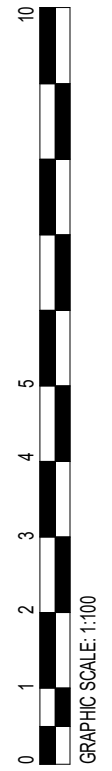
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West
1 : 100



East
1 : 100



271



North
1 : 100



South
1 : 100

No.	Description	Date

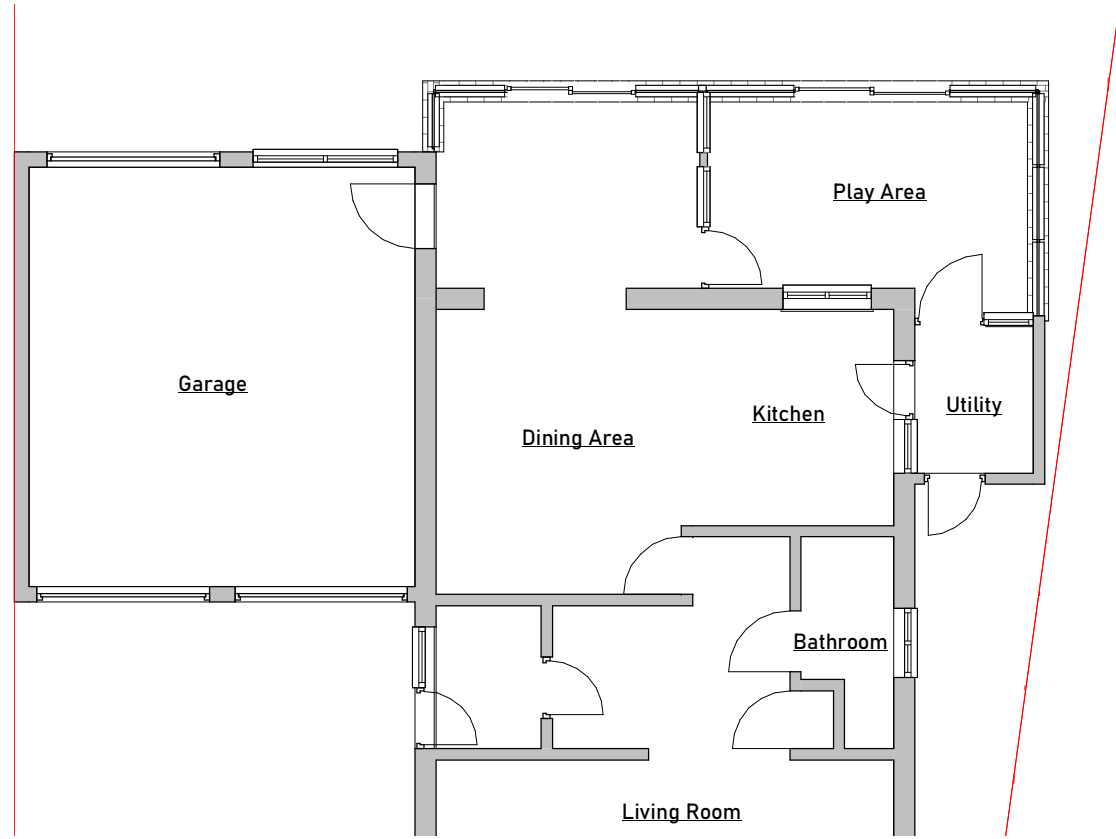


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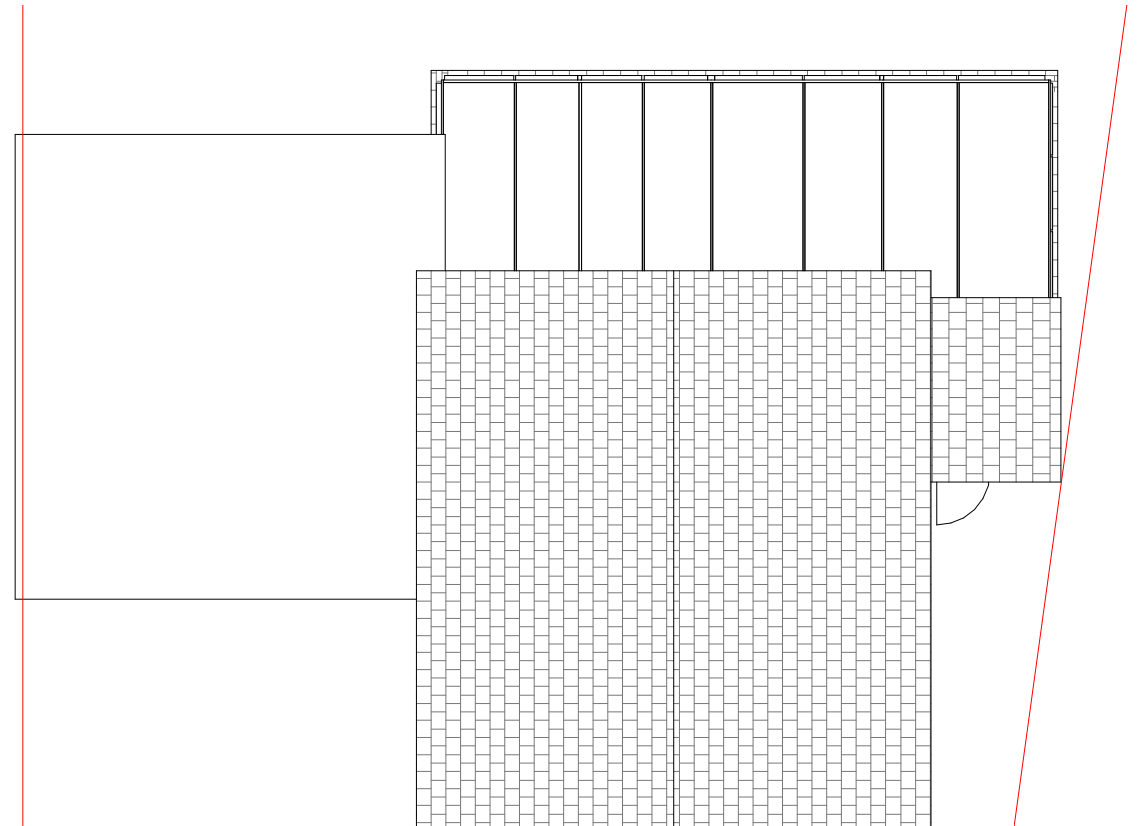
PROJECT 7 Navestock Gardens, Southend-On-Sea, SS1 3SR		CLIENT J Holli	
SHEET Existing Elevations <i>Proposed Single Storey Rear Extension</i>		Date 09/09/2021	Project number 275
		Scale (@ A3) 1 : 100	
		Drawn by JC	DRAWING NUMBER R03
		Checked by LM	REV

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273



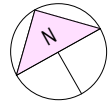
01 - Ground Floor
1 : 100



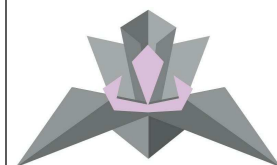
02 - Roof Plan
1 : 100



GRAPHIC SCALE: 1:100



No.	Description	Date



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PROJECT
7 Navestock Gardens, Southend-On-Sea, SS1 3SR

CLIENT
J Holli

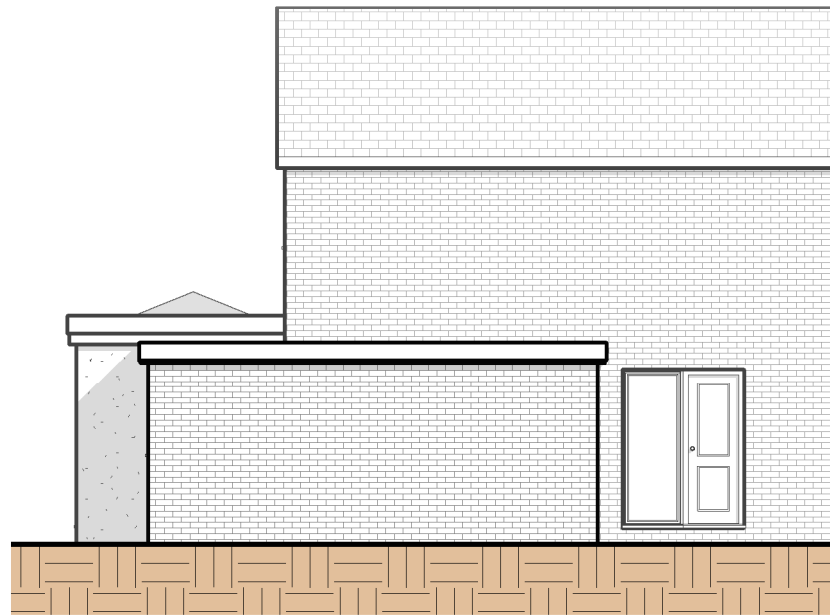
Date 09/09/2021	Project number 275	Scale (@ A3) 1 : 100
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SHEET
Existing Plans
Proposed Single Storey Rear Extension

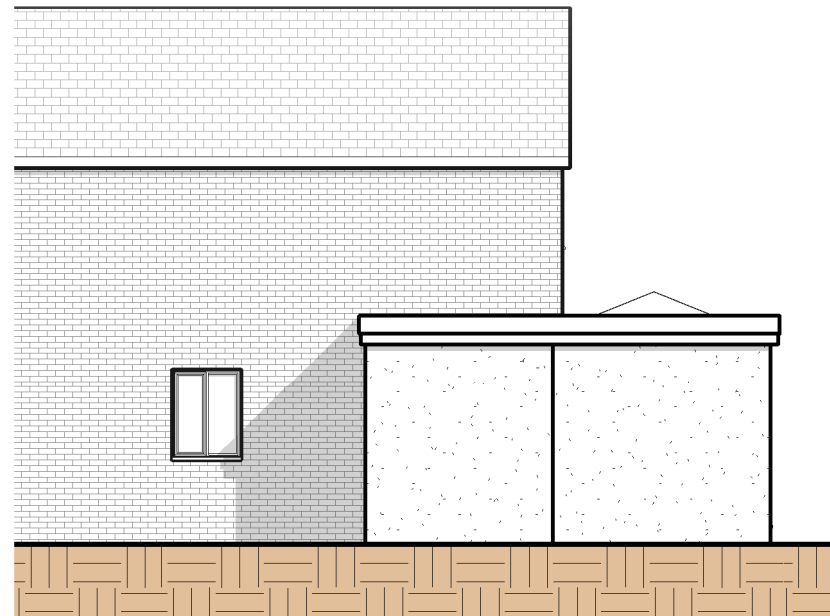
Drawn by JC	DRAWING NUMBER R02	REV
Checked by LM		

18/10/2021 09:23:30

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West
1 : 100



East
1 : 100



Section 1
1 : 100



275



North
1 : 100



South
1 : 100

No.	Description	Date
A	Client Ammendments	04/10/2021

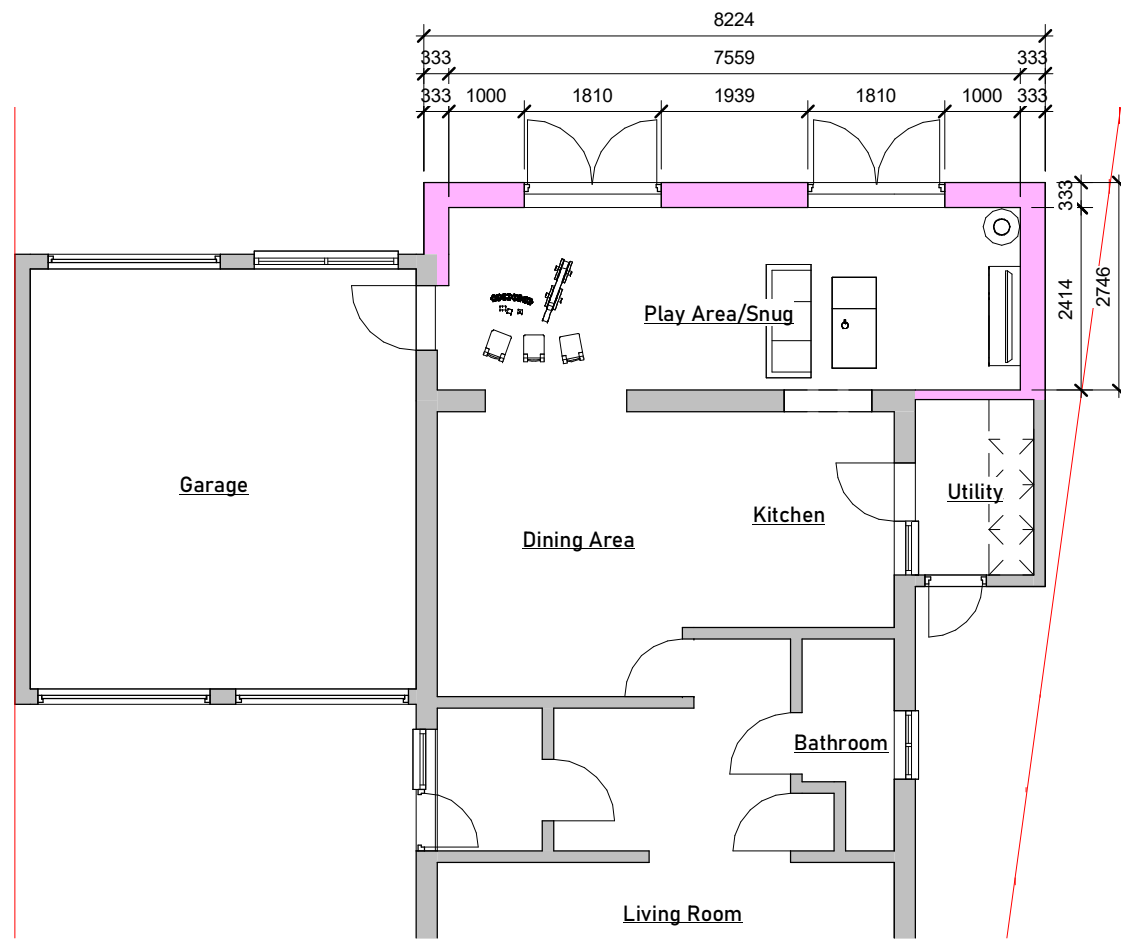


EDITH GARLAND
ARCHITECTURE

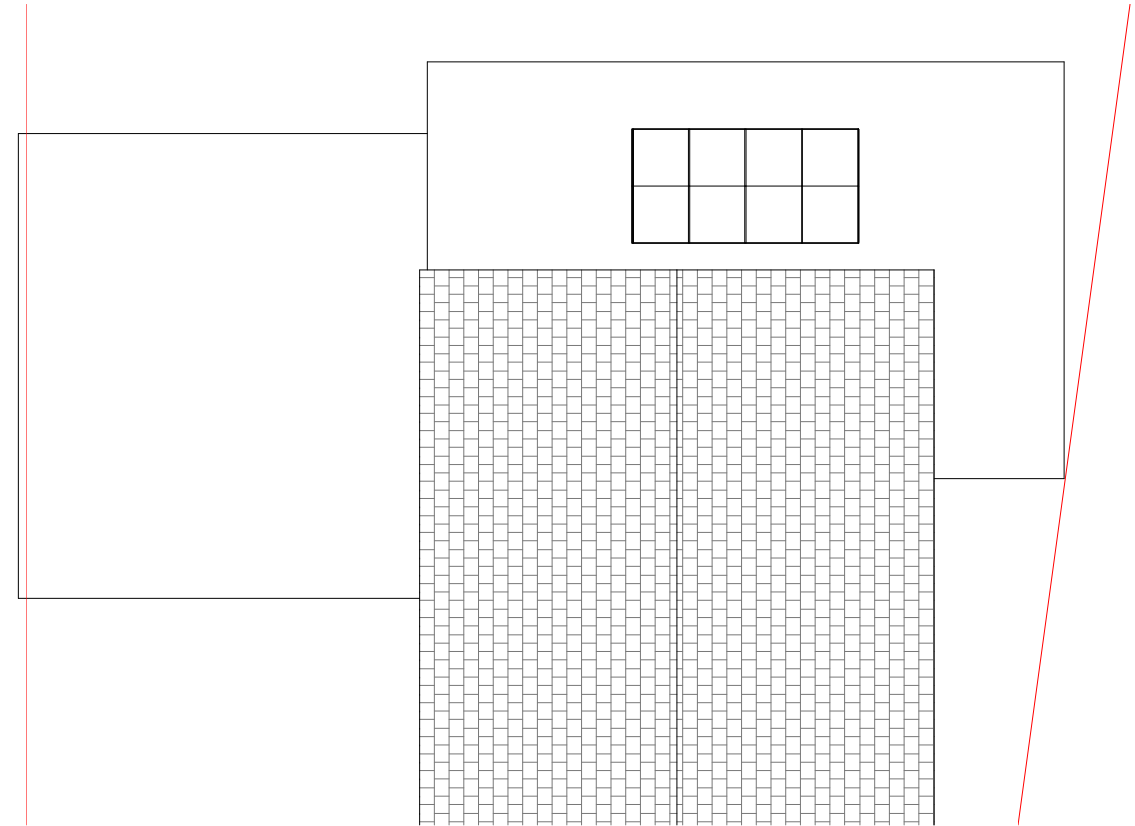
PROJECT 7 Navestock Gardens, Southend-On-Sea, SS1 3SR		CLIENT J Holli	
Date 13/10/2021	Project number 275	Scale (@ A3) 1 : 100	
Drawn by JC	DRAWING NUMBER R05		REV A
Checked by LM			

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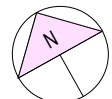
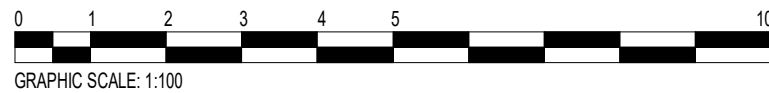
277



01 - Ground Floor
1 : 100



02 - Roof Plan
1 : 100



No.	Description	Date
A	Client Ammendments	04/10/2021



EDITH GARLAND
ARCHITECTURE

PROJECT
7 Navestock Gardens, Southend-On-Sea, SS1 3SR

CLIENT
J Holli

Date
13/10/2021

Project number
275

Scale (@ A3)
1 : 100

SHEET
Proposed Plans
Proposed Single Storey Rear Extension

Drawn by
JC

Checked by
LM

DRAWING NUMBER
R04

REV
A

18/10/2021 09:58:10

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279







Reference:	20/00027/UNAU_B	<h1>9</h1>
Ward:	Belfairs	
Breach of Control:	Without planning permission the erection of a building containing a raised platform	
Address:	32 Belfairs Drive, Leigh-On-Sea, Essex, SS9 3AA	
Case opened :	28.01.2020	
Case Officer:	Hayley Thompson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

32 Belfairs Drive, Leigh-On-Sea, Essex, SS9 3AA



1 Site location and description

- 1.1 This report relates to a two-storey detached dwelling on the eastern side of Belfairs Drive. Its garden backs on to the rear gardens of Flemming Avenue dwellings. The site is not in a conservation area or subject to any site-specific planning policies.

2 Lawful Planning Use

- 2.1 The lawful planning use is as dwellinghouse within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

3 Relevant Planning History

- 3.1 16/00257/FULH - Erect two storey side extension and single storey rear extension – Permission granted.
- 3.2 19/00442/CLP - Dormers to side elevations to form habitable accommodation in roofspace, install juliette balcony to rear, alter elevations –Not lawful.
- 3.3 20/00205/CLP - Dormer to side elevation to form habitable accommodation in roofspace, install juliette balcony to rear and alter elevations –Lawful.

4 The alleged planning breach and the harm caused

- 4.1 Without planning permission, the erection of a building containing a raised platform.
- 4.2 Class E Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) covers provision of a 'building' within the area around a dwellinghouse required for a purpose incidental to the enjoyment of the dwellinghouse. A detached building or structure that is located within 2 metres of the boundary of the curtilage of the dwellinghouse can only measure up to 2.5 metres in total height under permitted development limitations. Class E also restricts the height of raised platforms. A raised platform is any platform with a height greater than 0.3 metres above ground level.
- 4.3 The structure, which in appearance is designed as a play facility for children, is understood to be approximately 4.2 metres high, 2 metres wide and 2.3 metres deep. It is significantly larger than the GPDO dimension restrictions, contains a platform approximately 2.5 metres above ground level and is not permitted development. The structure is positioned directly next to the boundary shared with No 36 Belfairs Drive, enabling views into that rear garden and also, to a lesser extent, views towards the rear garden of No 28 Belfairs Drive. Positioned at the rear of the garden, and notwithstanding the partial screening effect of boundary landscaping, it also impacts the rear garden scene enjoyed by residents in Flemming Avenue to the east as well as within neighbouring Belfairs Drive rear gardens either side. It appears generally as an unusually tall and intrusive feature, out of keeping with the typical scale of incidental rear garden buildings.
- 4.4 The unauthorised development has not been formally assessed against relevant planning policies through submission of a retrospective planning application. The harm caused by the development relates to the impact of the structure on the amenity of occupiers of neighbouring properties.

5 Background and efforts to resolve breach to date

- 5.1 In January 2020 an enforcement case was raised regarding an alleged unauthorised structure which was in the process of being constructed.
- 5.2 Site visits were attempted in February and March 2020 and letters sent following both visits advising the site occupiers of their rights to retrospectively submit a planning application to seek to regularise the development or, failing that, to remove the structure.
- 5.3 A site visit was undertaken in August 2020 during which the occupier was advised that the structure requires planning permission. They confirmed that they had received the two LPA letters advising of this.
- 5.4 In view of no subsequent action on the occupiers' part, a third letter was sent in February 2021 advising submission of a retrospective planning application or removal of the structure.
- 5.5 To date, no planning application has been submitted to seek to regularise the breach of planning control and no direct contact has otherwise been made by the site owner.

6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action

- 6.1 The structure and inclusion of a raised platform causes overlooking and a significant loss of privacy and harm to rear garden enjoyment for occupiers of No 36 Belfairs Drive and to a lesser degree, No 28. It also significantly harms local character on a wider scale, including within Flemming Avenue to the rear, due to its incongruous scale and intrusive appearance in the rear garden scene. The identified harm to character and amenity is contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).
- 6.2 Given the purpose of the structure, for children's play, the service has taken a reasonably proportionate approach towards the breach, regarding enforcement action as a last resort. However, it should also be recognised that the planning system could not limit the use of the building to only be for children and that the harm identified would result from the use of the building by either children or adults. The structure is not permitted development so needs express planning permission. It causes identified harm to residential amenity. Repeated invites have been offered to the site owners to seek to regularise matters through a planning application. This would enable the impacts to be fully considered and to take account of any neighbour representations raised, plus the ability then to consider whether any planning conditions could be imposed to mitigate and/or control any identified harm. The owners have not responded in any effective way to this, so it is incumbent on the service, as a last resort, to seek to address the identified harm through formal action. This would not prevent the site owner applying for planning permission. Appeal rights would also apply.

6.2 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this instance the action proposed is considered to be reasonable, proportionate and to cause no conflict with human rights legislation.

7 Recommendation

7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to

- a) require the removal of the unauthorised play structure in its entirety.
- b) remove from site all materials resulting from compliance with (a) above.

7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

Appendix 1 – Site photographs





Reference:	19/00158/UNAU_B	<h1>10</h1>
Ward:	Milton	
Breach of Control:	Unauthorised roof enlargement	
Address:	21 Holland Road, Westcliff-On-Sea, Essex, SS0 7SG	
Case opened:	5 th June 2019	
Case Officer:	Hayley Thompson	
Recommendation:	NO FURTHER ACTION	

21 Holland Road, Westcliff-On-Sea, Essex, SS0 7SG



1 Site location and description

- 1.1 No 21 is on the eastern side of Holland Road, south of Hamlet Court Road and is a first floor flat within a large, end of terrace property.
- 1.2 The surrounding area is residential in character and the streetscene consists mainly of semi-detached and terraced dwellings. A small backland dwelling, 23 Holland Road, is immediately to the rear of No 21 and beyond that is a sheltered flats development, Homecove House.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a flat within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

3 Relevant Planning History

- 3.1 18/01188/FUL - Erect dormer to rear and install rooflights to front to first floor flat and convert loft into habitable accommodation – Permission granted.
- 3.2 19/02093/FUL - Extend existing eaves line to promote existing dormer – Refused
- 3.3 19/00158/UNAU_B – Enforcement Notice served. Appeal dismissed.

4 Background

- 4.1 In August 2018 planning permission 18/01188/FUL was granted for the erection of a dormer to the rear roofslope, rooflights to the front and to convert the first-floor flat's extended loft into habitable accommodation.
- 4.2 In May 2019 the Local Planning Authority were notified that the dormer had been constructed larger in height and depth than the approved plans. Flats do not have permitted development rights so any unauthorised structure materially at variance with the approved plans would, in any circumstances, be a breach of planning control.
- 4.3 The roof enlargement built differed materially approved in its form, scale and appearance from the dormer approved under 18/01188/FUL. The approved rear dormer was of flat roofed box design and of limited architectural merit but its limited scale, bulk and positioning within the roof plane set away sufficiently from the eaves, ridge and flanks meant that it was of acceptable design. Additionally, the approved dormer would not be visible from the front elevation and the use of tile hanging and fenestration to match the existing dwelling would ensure the visual impact would be acceptable.
- 4.4 Subject to a condition requiring obscure glazing of its east facing windows it was found that the dormer's impact on the amenity of neighbouring occupiers, notably No 23 to the immediate rear, would be acceptable.
- 4.5 The unauthorised roof enlargement was constructed larger and in a different form from that of the approved dormer, so materially affecting the scale, bulk and positioning of the structure within the roof plane and thereby its visual impact. The

structure was not set back from the eaves of the roof. Instead, it carried straight up vertically from the main rear wall. It was also constructed in line with the roof ridge such that it had a very simple box like form, akin to a full additional storey when viewed from the west, as opposed to achieving an incidental relationship with the main dwelling which underpinned the basis of the dormer's approval. Due to its bulky form and appearance, this Committee found in December 2019 that the unauthorised roof structure harmed the appearance of the building and the character and appearance of the wider surrounding area. It also found its bulky form and position created an unreasonably dominant presence in the setting and outlook from the neighbouring dwelling 23 Holland Road, harmful to those occupiers' amenity. A photograph of the unauthorised dormer is at Appendix 3. This Committee resolved to authorise the service of a planning enforcement notice to seek to remedy that identified harm. A copy of the relevant 11 December 2019 DC Committee report is at Appendix 1. The notice was served and was subject of an appeal to the Planning Inspectorate (PINS). At Appendix 2 is a copy of the 9 November 2020 PINS letter dismissing the appeal and upholding the enforcement notice.

4.6 The steps within the enforcement notice required:

- a) the unauthorised roof enlargement to be removed or reduced to that approved under application reference 18/01188/FUL.
- b) remove from site all materials resulting from compliance with (a) above.

5 The owner's response to the enforcement notice requirements

5.1 Enforcement notices allow a period for compliance. In this case it was 3 months, effective from the date of the appeal decision. The owner undertook work to respond to the breach which has culminated in the unauthorised development being altered so that it now appears as shown in the photographs at Appendix 4. This is broadly consistent with the 2018 approved scheme but not a full match to it. The completed development differs from the planning permission in that it is not set down from the ridge quite so far as in the approval and it also has an extra small horizontal boxed feature along the foot of the dormer which was not in the approved scheme. This extent of non-compliance has continued to generate third party complaint.

6 Assessment

6.1 The key question for the Local Planning Authority is whether the detailed differences identified in the altered dormer are so at variance with the requirements and purpose of serving the enforcement notice, or causing a residual level of harm, that further action would be justified.

6.2 The purpose of the enforcement notice was to seek to remedy the identified harm which was primarily about the looming form and nature of the dormer being built straight up from the building's main rear wall. The differences are confined to the set down of the dormer roof from the ridge being not quite so far as in the approval and the extra small horizontal boxed feature along the foot of the dormer which was not in the approved scheme.

- 6.3 Given the above differences, the development does not fully comply with the steps in the enforcement notice. The notice will remain in force on the land, will remain as a charge on the land for registration purposes and will be declared in response to any future conveyancing for the property. Leaving the enforcement notice in position will also enable this Local Planning Authority to exercise control under that notice should any further development in that part of the roofspace be undertaken in future.
- 6.4 In terms of remedying significant harm, which was the notice's key purpose, the owner has responded to the enforcement notice. The differences between that now completed and the planning permission granted do not cause any significant harm when considered objectively on their merits. Staff have not identified any basis on which it would be reasonable to take any further action based in the public interest. Nor have staff found any reasonable basis on which to seek a prosecution given the facts of the case. Legal requirements are placed on this Local Planning Authority. For a prosecution case to proceed, the view would have to be reached that it would be more likely than not that the Council would win such a prosecution. That has not been found here. Were the Local Planning Authority to pursue a prosecution here, staff judge that it would be likely to fail, so representing a poor use of public monies, which is not acceptable and would be contrary to the Council's obligations as a responsible Authority.
- 6.5 Considering all the factors above and noting that planning enforcement action has resulted in a remedy of the identified harm, it is considered that it would not be in the public interest to seek to prosecute in respect of the remaining limited differences from the approved 2018 scheme. Subject to the steps outlined in paragraph 6.2 above, it is considered that no further action should be taken and that the current enforcement investigation should be closed.

7 Recommendation

- 7.1 Members are recommended to AUTHORISE that no further action be taken and that the current enforcement investigation be closed.

Reference:	18/01188/FUL
Ward:	Milton
Proposal:	Erect dormer to rear and install rooflights to front to first floor flat and convert loft into habitable accommodation
Address:	21 Holland Road, Westcliff-on-Sea, Essex, SS0 7SG
Applicant:	Mr D Nyman
Agent:	Mr Dale Perry
Consultation Expiry:	24.07.2018
Expiry Date:	16.08.2018
Case Officer:	Oliver Hart
Plan No's:	1763-01, 1763-04A, 1763-05
Recommendation:	GRANT PLANNING PERMISSION subject to conditions

1 The Proposal

- 1.1 The application seeks permission to erect a dormer to rear and install rooflights to the front of a first floor flat and convert loft into habitable accommodation.
- 1.2 During the course of the application, revised plans were submitted at the request of officers reducing the size of the dormer to approximately 5.8m in width, 3.25m in depth and 2.25m in height.
- 1.3 The proposed materials for use on the development are tile hanging and fenestration to match the existing dwelling.

2 Site and Surroundings

- 2.1 The application site is located on the eastern side of Holland Road, south of Hamlet Court Road and relates to a first floor flat within a large, end of terrace property.
- 2.2 The surrounding area is residential in character and the streetscene consists predominantly of semi-detached and terraced properties of similar mass, form and design characterised by large, two storey front gabled projections.
- 2.3 A small backland development known as 23 Holland Road is found immediately to the rear of the application property and beyond that, a large flatted development known as Homecove House.

2.4 It is noted the roofscape of the surrounding properties remains largely unaltered.

3 Planning Considerations

3.1 The main considerations in relation to this application are the principle of the development, design and the impact on the street-scene and any impact on neighbouring properties.

4 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) 2018, Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and guidance contained within the Design and Townscape Guide (2009)

4.1 The proposal is considered in the context of the NPPF, Core Strategy (2007) Policies KP2 and CP4 and Policy DM1 of the Development Management Document. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is located within a residential area where extensions and alterations to this property are considered acceptable in principle. Therefore, the principle of extending the dwelling is acceptable subject to the detailed design considerations below.

Design and Impact on the Character of the Area:

National Planning Policy Framework (NPPF) 2018, Core Strategy Policies KP2, CP2 and CP4, Development Management Document Policies DM1, DM3 and DM15. And guidance contained within the Design & Townscape Guide (2009)

4.2 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

4.3 According to Policy KP2 of the Core Strategy (2007), new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.

4.4 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”.

- 4.5 Paragraph 366 of the Design and Townscape Guide (2009) under the heading of ‘Roof Extensions and Dormer Windows’ states that *“dormer windows should appear incidental in the roof slope, (i.e. set in from both side walls, set well below the ridgeline and well above the eaves) and the materials should be sympathetic to the existing property.’* Also of relevance is Paragraph 348 of The Design and Townscape guide (2009) which stipulates that *‘Whether or not there are any public views, the design of rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form’*
- 4.6 While the rear dormer is of flat roofed box design and of limited architectural merit, given its limited scale and bulk and positioning within the roof plane; set away sufficiently from the eaves, ridge and flanks so that it sits comfortably in the space available, the proposed dormer is considered to be of acceptable design. Additionally, the dormer would not be visible from the front elevation and the use of tile hanging and fenestration to match the existing dwelling ensures the visual impact will be acceptable. No objections are therefore raised to the design of the roof extension and the impact on the visual amenity of the streetscene.

Traffic and Transport

National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP4, CP3; Policy DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 4.7 The proposed development would not result in a net increase of bedrooms or a subsequent increase in parking demand. The current situation would be retained and therefore no objection is raised.

Impact on Neighbouring Properties

National Planning Policy Framework (NPPF) 2018, Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.8 The Design and Townscape Guide (2009) Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings) states that amongst other criteria, that *‘extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties’.* In addition to this Policy DM1 of the Development Management Document (2015) also states 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.”*
- 4.9 The application property is neighboured by No.’s 19 (to the north), 23 (to the rear) and 25 (to the south) Holland Road. It is noted concerns have been raised in relation to potential loss of light to No.23, a bungalow immediately to the rear of the

application site separated by a narrow courtyard approximately 4m deep. However, given the existing constricted relationship between the two properties, the proposed dormers modest scale and bulk and positioning within the existing roofslope, it is not considered that the proposed development would give rise to a material increase in overshadowing or loss of light to the neighbouring occupants at this address.

- 4.10 While it is also considered that the proposed rear dormer would give rise to some potential overlooking, the presence of existing first floor rear windows (one clear window serving a bedroom and two obscure windows serving a bathroom and kitchen respectively), suggests a degree of overlooking exists at present. Therefore, the addition of a rear dormer with rear facing windows is not considered to give rise to a material increase in overlooking or loss of privacy to these neighbouring properties. The proposal is therefore acceptable and policy compliant in these regards. It is however considered necessary to continue the existing arrangement of obscuring unhabitable room windows above ground floor level and therefore, a condition will be attached to any successful planning application for the proposed bathroom (En-suite) window to be finished in obscure glazing and retained as such thereafter.
- 4.11 Due to the separations involved, it is not considered that the proposal would harm the light, outlook, privacy or rear garden scene of any other neighbouring properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy Policies KP2 and CP4, Development Management Policies DM1 and DM3 and The Design and Townscape Guide.

Community Infrastructure Levy

- 4.12 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

5 Conclusion

- 5.1 Having regard to all material considerations assessed above, 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 (NPPF). Furthermore, the proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. This application is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework 2018.
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).

- 6.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), and DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule.
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

7 Representation Summary

Public Consultation

- 7.1 17 neighbouring properties were notified and one letter of objection was received. Summary of objections:
- Severe loss of natural light and outlook.
 - Dormers are unsightly and not in character with the property and properties in Holland Road.
 - Will increase overlooking to my property and result in significant loss of privacy.
 - An increase in parking in an area of high stress
- [Officer Comment] All relevant planning considerations are assessed within the appraisal section of the report. (Section 4) These concerns are noted and they have been taken into account in the assessment of the application.

8 Relevant Planning History

- 8.1 None

9 Recommendation

GRANT 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 development hereby permitted shall be carried out in accordance with the following approved plans: 1763-04A**

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

- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

Reason: To safeguard the visual amenities of the area, in accordance with policies This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DM DPD Policy DM1 and SPD1 (Design and Townscape Guide).

- 04** The bathroom window of the proposed rear dormer facing No.23 Holland Road hereby permitted shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

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.

Informative

- 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 the 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.



Appeal Decisions

Site visit made on 13 October 2020 by **Thomas Shields MA DipURP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 November 2020

Appeal Ref:

APP/D1590/C/20/3251169

21 Holland Road, Westcliff-on-Sea, SS0 7SG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (hereafter "the Act").
- The appeal is made by Mr Julian Nyman (Wyen Corporation Limited) against an enforcement notice issued by the Southend-on-Sea Borough Council.
- The enforcement notice was issued on 23 March 2020.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a dormer roof enlargement.
- The requirements of the notice are:
 - a) Remove the unauthorised roof enlargement or reduce it to that approved under application reference 18/01188/FUL.
 - b) Remove from site all rubble, materials and equipment associated with complying with this notice.
- The period for compliance is 3 months.
- The appeal proceeds on the grounds set out in section 174(2) (a) and (g) of the Act.

Decision

1. It is directed that the notice be varied in Section 6 by deleting "3 calendar months" and substituting instead "6 months".
2. Subject to the variation the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

The appeal on ground (a)/deemed planning application

Main Issue

3. An appeal on ground (a) is that planning permission ought to be granted for the dormer roof enlargement. The main issue in the appeal is the effect of the dormer on the character and appearance of the host property and the area.

Reasons

4. No. 21 Holland Road is an extended mid-terraced residential property within an immediate area that is primarily residential in character. Buildings in this area are mainly of traditional construction and form

with some modern flatted developments. The building has been divided into two flats, one at ground floor with the other occupying the first floor and roof accommodation, provided in part by the rear box dormer roof extension subject of the appeal.

5. The dormer is of a considerable height, width and depth, the front wall of which aligns vertically with the rear elevation of the main building. As such, I find it

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to be a significant feature and conspicuously over-sized in the context of the host building. Its overly prominent presence, not set back from the original eaves, appears as an additional full storey and does not sit well with the more modest features and character of the host property, or with other buildings in the surrounding area. As such, it conflicts with the detailed design guidance for dormers in the Council's SPD¹. While I saw other rear roof dormers in the surrounding area, none had resulted in the excessively dominant appearance and relationship with their host properties that is evident in this case. While I acknowledge that public views of the dormer are limited it is nonetheless highly visible from a significant number of nearby properties. Consequently I find it overall to be markedly at odds with the prevailing pattern of development in the area, harmful to its character and appearance.

6. The appellant suggests its appearance could be mitigated by imposing a condition which requires the construction of an extended eaves and fascia along the line of where the dormer joins the rear elevation of the building, thereby adding a line of tiled roof slope below the bottom of the dormer.
7. The proposal to create new false eaves and an extended roof slope over is not properly comparable to the requirement in Schedule 2, Part 1, Class B of the GPDO² to maintain or reinstate eaves of the "original roof". Moreover, it would do no more than add further built form in addition to that which currently exists, and would not have any physical or optical effect of reducing the bulk and prominence of the dormer which I have found to be harmful as set out above. As such, I do not agree with the appellant's contention that the dormer would then be little different in form and appearance from the one previously granted planning permission by the Council (Ref: 18/01188/FUL). Overall, therefore, the appellant's proposed condition does not persuade me that the appeal should be allowed.
8. I have also considered whether the imposition of any other planning conditions would adequately mitigate the harm I have identified but find that there are none that would do so.
9. I note the concerns of occupiers of the bungalow to the rear of No. 21 with regard to their living conditions in respect of loss of light, privacy and outlook. The separation distance over a shared courtyard area between these two properties is approximately 4 metres. Consequently, given this existing constrained relationship, and that which would exist had the dormer been built in accordance with planning application Ref: 18/01188/FUL, I find that the as-built dormer does not result in any significant increase in harm to the living conditions of the neighbouring occupiers.

Conclusion on ground (a)/deemed planning application

10. For these reasons I conclude that the dormer results in unacceptable harm to the character and appearance of the area in conflict with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy(2007), and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015), which, taken together, seek to secure developments which improve the urban environment through quality design, and maintain and respect the character of residential areas including through height, size, scale, form, massing, and proportions.

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¹ Supplementary Planning Document 1 Design and Townscape Guide 2009, paragraphs 343, 366 ² Town and Country Planning (General Permitted Development) (England) Order 2015

11. The appeal on ground (a)/deemed planning application therefore fails.

The appeal on ground (g)

12. The ground of appeal is that the period of time for compliance with the enforcement notice requirements falls short of what should reasonably be allowed. The notice requires compliance within 3 months, the appellants seek a period of 7 months.

13. I am mindful that the harm resulting from the breach of planning control should be remedied as soon as possible, and I see no reason why the physical works to achieve compliance with the notice could not ordinarily be carried out within 3 months. No convincing justification as to why this would not be possible is before me.

14. I do not know when the current tenancy agreement with the occupier of the upper level flat expires. However, there is no evidence before me to indicate that the tenant would resist allowing remedial works to take place within the 3 month period, or that the tenant would seek to resist eviction in the event that the appellants subsequently find such action necessary in order to comply with the notice requirements. That notwithstanding, I acknowledge that scheduling builders and completing the remedial works with a sitting tenant could take longer than 3 months.

15. Also, at the time of writing, the Government has introduced a one month period of restrictive measures in respect of coronavirus, during which time I accept it may add further difficulty in commencing the remedial works. Account should also be taken of the Christmas/New Year holiday period.

16. Taking account of all these factors I consider it would be more reasonable to extend the compliance period to 6 months. I see no reason to extend it further than this given that the Council has its own powers to extend the compliance period if they are subsequently convinced that such action would be necessary.

17. The appeal on ground (g) therefore succeeds to this limited extent and I have directed that the notice be varied accordingly.

Thomas Shields

INSPECTOR

Appendix 3 – Site photographs of originally constructed dormer





Appendix 4 – Site photographs of dormer currently constructed



Reference:	21/00061/UNAU_B	<h1>11</h1>
Ward:	Thorpe	
Breach of Control:	Without planning permission the erection of a kiosk and change of use of land to a café and garden area (sui generis)	
Address:	193 Eastern Esplanade, Southend-on-sea, Essex, SS1 3AA	
Case opened:	09.03.2021	
Case Officer:	Hayley Thompson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

193 Eastern Esplanade, Southend-on-sea, Essex, SS1 3AA



1 Site location and description

- 1.1 This report relates to a former domestic garden space to the front of 193 Eastern Esplanade, which, due to the set-back position of No 193, appears in the street scene as a gap between the Beach Hotel at no.192 Eastern Esplanade and the dwelling house at no.195 Eastern Esplanade.

2 Lawful Planning Use

- 2.1 Historic maps and publicly available photographs indicate that the space appears to have historically been part of the curtilage of no.193. It is visually separated from the host dwelling by a large privet hedge. The lawful planning use is understood to fall within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

3 Relevant Planning History

- 3.1 21/01165/FUL - Erection of kiosk and change of use to cafe with outdoor seating – Refused.

4 The alleged planning breach and the harm caused

- 4.1 Without planning permission, the erection of a kiosk and related change in use of the land to mixed use as a café (Class E) and residual residential garden (Class C3) so that overall the unauthorised use is regarded as *sui generis*. The kiosk has an associated open area to its front where chairs and tables are available for customer use, together with advertisement signage. The land behind the kiosk has remained open former domestic garden. The business provides drinks for consumption either from that external seating or for off-site consumption. It is understood that the kiosk does not provide any hot food, either for consumption in the external seating area or off-site.
- 4.2 It was found through determination of a retrospectively submitted planning application that sought to regularise the development, that by reason of its use and siting the development is inappropriate within its setting. It integrates poorly with the existing townscape and introduces concentrations of people and activity in its location to a degree which causes harmful noise, disturbance, intrusion, and loss of privacy which is harmful to the amenities of neighbouring occupiers contrary to planning policy.

5 Background and efforts to resolve breach to date

- 5.1 In March 2021 an enforcement case was raised following a public complaint about the construction of a building on the land known as 193 Eastern Esplanade. The purpose of the building was for commercial use as a café. Both that building and the material change of use of the site were unauthorised.
- 5.2 In April 2021 letters were sent to parties with interest in the land advising submission of a retrospective planning application to seek to regularise the development.
- 5.3 Following no response to the letter, a site visit was undertaken in May 2021 to speak with the business owner directly about the unauthorised development. The business

operator explained that an agent had been instructed to submit a retrospective planning application.

- 5.4 In June 2021 a planning application was submitted, reference 21/01165/FUL, seeking to regularise the unauthorised development. That application was refused in October 2021. A copy of the officer report is appended (Appendix 1).

6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action

- 6.1 It is acknowledged that the development provides employments and economic activity contributing to activity and vibrancy in this seafront location, but the siting and design of the development have been found to be significantly harmful to the townscape and seafront character and to the residential amenity of occupiers of No195 through harmful noise, disturbance, intrusion and loss of privacy. There is no net public benefit of sufficient weight to overcome this identified harm. The appended officer's report for planning application 21/01165/FUL sets out fully the basis for refusal of planning permission due to the identified harm, including the planning policy context against which this has been assessed.
- 6.2 No further planning application has been submitted to seek to address the identified harm. It is understood that no appeal has been submitted. The serving of an enforcement notice would not prevent the site owner applying for planning permission and appeal rights apply.
- 6.3 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area.

7 Recommendation

- 7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to
- a) cease use of the land as a café
 - b) require the removal of the unauthorised building in its entirety and removal from the land of all associated seating, tables, signage and similar items
 - c) remove from site all materials resulting from compliance with (a) and (b) above.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

Delegated Report

Reference:	21/01165/FUL
Application Type:	Full Application
Ward:	Thorpe
Proposal:	Erection of kiosk and change of use to provide cafe with outdoor seating (retrospective)
Address:	Land Adjacent, 192 - 195 Eastern Esplanade, Southend-on-sea
Applicant:	Ms Beverley Clarke
Agent:	Mr James Collinson of Design Spec Ltd.
Consultation Expiry:	4th August 2021
Expiry Date:	6th October 2021
Case Officer:	Robert Lilburn
Plan Nos:	2987/04/42
Supporting Documents:	Flood Risk Assessment by Fernbrook Consulting Engineers Report No. 21080-FCE-XX-XX-RP-D-0001 Project No. 21080 July 2021
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application relates to an established domestic garden space situated to the front of 193 Eastern Esplanade, which appears in the street scene as a gap between the Beach Hotel at no.192 Eastern Esplanade and the dwelling house at no.195 Eastern Esplanade.
- 1.2 Historic maps and publicly available photographs indicate that the space appears to have historically been part of the curtilage of no.193. It is visually separated from the host dwelling by a large privet hedge. The gap is anomalous in the street scene, whereby the ribbon of development defining the Esplanade has taken place around it.
- 1.3 The site is identified on the policies map of the Development Management Document as within the Sea Front Character Zone 5, and within Flood Zone 3. The associated dwelling is part of a locally-listed building with its adjoining neighbour at nos.193-194 Eastern Esplanade.

2 The Proposal

- 2.1 The application has been made retrospectively for the retention of a single-storey wooden structure which has been constructed as a kiosk to principally serve visiting customers. The available information indicates this is for coffee, hot and cold drinks and snacks. As part of the development the site frontage is used for associated outdoor seating, and two access paths have been formed across the site.
- 2.2 The application has not specified seating numbers. Site photographs indicate provision for some twelve customers, however there is scope within the site for this to increase. The application has specified proposed opening hours from 8:00 AM to 6:00 PM Monday to Sunday including bank holidays.
- 2.3 The application has been submitted following planning enforcement enquiries.
- 2.4 It has been noted that the application form incorrectly describes the development as 'Proposed outbuilding with internal alterations for a mobile coffee shop'. The application has been advertised on the basis of the erection of outbuilding to use as a coffee shop, further to confirmation since received from the applicant. This is considered a more satisfactory definition of the development.

3 Relevant Planning History

- 3.1 14/00151/FUL: Erect roof extension with terrace to rear, erect single storey rear extension, install balconies to dormer windows to front, remove external staircase and alter elevations. Approved 11.06.2014.

4 Representation Summary

4.1 Public Consultation

5 neighbouring properties were notified and a site notice was posted. Letters of representation have been received from 14 addresses, objecting to the application, and letters of support have been received from 4 addresses. The objections are summarised as follows:

- Impact on character and appearance of sea front and street scene;
- Temporary appearance harmful to the character and appearance of the surroundings;
- Impact on heritage asset;
- Impact on neighbour privacy and of noise, as well as of patrons smoking near house windows;
- Impact on traffic and parking conditions;
- Impact on safety of the pavement;
- Littering and waste management concerns;
- Anti social behaviour;
- Impact on other businesses;
- there are already enough food and drink establishments;
- Inaccuracies on application including description of proposal and notices served;
- Signage not included in application;
- Hygiene rating should not be given by the council to an establishment without planning permission;
- No consideration given to health and safety or fire safety;
- Effect on property values.

- 4.2 The letters in support of the application are summarised as follows:
- The business contributes to community as a place to meet;
 - Use of an under used piece of land;
 - supporting a local business;
 - Respectful of neighbours;
 - well run, welcoming and clean;
 - in keeping with the character of the sea front.
- 4.3 Councillor Woodley has commented on the application as follows:
- Provision of live music impacting on neighbours and requires a licence.
- 4.4 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. Other than as they relate to the reasons for refusal set out below the points raised are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.
- 4.5 **Environmental Health**
Object on basis of amenity impacts from outdoor seating on neighbouring occupiers.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance and National Design Guide (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM6 (The Seafront), DM11 (Employment Areas) and DM15 (Sustainable Transport Management)
- 5.5 Design & Townscape Guide (2009)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development including flood risk considerations, design and impact on the character of the area, including effect on the non-designated heritage asset, impacts on amenities of neighbouring properties, any traffic and transport issues and CIL.

7 Appraisal

Principle of Development

- 7.1 The National Planning Policy Framework (NPPF) encourages effective use of land while safeguarding and improving the environment. This is to be achieved by supporting the

development of underutilised land and buildings. Residential gardens are excluded from the definition of previously developed land.

7.2 The NPPF states that significant weight should be placed in planning decisions on the need to support economic growth taking into account both local business needs and wider opportunities for development.

7.3 Core Strategy Policies KP1, KP2 and CP4 seek to promote sustainable patterns of development, to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land.

7.4 Policy KP1 states that appropriate regeneration and growth will be focused in locations including the sea front, to enhance the sea front's role as a successful leisure and tourist attraction and place to live.

7.5 Policy CP4 seek to support the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.

7.6 Policy DM3 of the Development Management Document seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification.

7.7 Policy DM6 states that the development principles of Seafront Character Zone 5 include: '(i) To encourage enhancements that promote this location as a tourist and leisure destination...'

7.8 The use of a domestic garden and its associated loss to the domestic purpose in a primarily residential setting, is a negative aspect of the development.

7.9 It is recognised that the scheme provides an additional leisure offer and employment generating activity in a location well integrated with the seafront. However, these benefits, which it is considered have limited weight, must be balanced against the wider impacts of the scheme. These are considered further below.

7.10 The site is located within Flood Zone 3. The development constitutes a 'less vulnerable' use. Paragraph 159 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

7.11 Paragraphs 162 and 163 of the NPPF state 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in the area with a lower risk of flooding...If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied'.

7.12 Policy KP1 was adopted further to the Thames Gateway South Essex Partnership Strategic Flood Risk Assessment. The preamble to Policy KP1 notes there are limited options to achieve regeneration and growth within the Borough and that development on flood plains will be considered. Therefore, Policy KP1 directs development into the area which includes the application site.

7.13 The area is promoted for growth subject to compliance with other policies. It is considered that development in the Seafront area is acceptable in principle subject to a site-specific investigation. The proposal is therefore considered to pass the requirements of the sequential test. As a 'less vulnerable' use within Flood Zone 3a it is appropriate in principle.

7.14 Policy KP1 states that all development proposals within identified 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 states 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'.

7.15 The applicant has provided a Flood Risk Assessment by Fernbrook Consulting Engineers Report No. 21080-FCE-XX-XX-RP-D-0001 Project No. 21080 July 2021 (FRA). The FRA specifies the floor levels of the building at 150mm above adjacent ground level and note that further flood resistance and resilience measures could be implemented including raised electrical sockets for example. The FRA notes the external nature of the seating provision. The proposal, as could be controlled through suitable conditions, is acceptable on flooding and flood risk grounds.

Design and Impact on the Character of the Area

7.16 The NPPF states that planning decisions "should ensure that developments ...are visually attractive as a result of good architecture and ...are sympathetic to local character including the surrounding built environment while not preventing or discouraging appropriate innovation or change (such as increased densities)".

7.17 The National Design Guide notes that context including the grain of development, landscaping and the natural environment are important aspects of place and good design. Well-designed new development is integrated into its wider surroundings and responds positively to its context.

7.18 Policy DM1 requires development to respect the townscape and contribute positively to the space between buildings and their relationship to the public realm.

7.19 Policy DM5 states that harm to the significance of a non-designated heritage asset will be resisted, but a balanced judgement will be made having regard to the scale of any harm to the significance of the asset and any public benefits.

7.20 No.193 benefits from an uncharacteristically large garden which is anomalous within the urban grain of the wider area. The space has a historic connection to the character of the seafront and the setting of the locally-listed building. The development occupies the space in a semi-permanent manner, but to the casual observer is somewhat divorced from the associated dwelling. By reason of its scale the development has a less than substantially harmful impact on the significance of the locally listed building.

7.21 DM6(3) states that existing buildings along the Seafront that have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront. Appendix 11 of the

Development Management Document lists 183-195 Eastern Esplanade as one of these sites, and describes it as follows: *This short run of properties on Eastern Esplanade displays consistency in terms of architectural style, scale, and palette of materials. All benefit from balconies, particularly noteworthy to the first floors of 187 – 192 which together form a cohesive frontage. This area is largely comprised of small guest houses which present a traditional seaside character that would be eroded through loss of the fine urban grain, seaside decoration and character (Seafront Character Zone 5).* The Policy notes that the unsympathetic increase in scale in some locations and loss of historic grain has had a detrimental effect on the integrity and character of the Seafront.

- 7.22 The development does not introduce an unsympathetic increase in scale, but it relates uncomfortably to its immediate setting which is principally residential in character. While small kiosks particularly where redolent of a beach hut, are a typical of the seafront area in some locations, the current development bears no reference to its residential context with which it is juxtaposed and in this regard is unsympathetic and harmful despite its small scale.
- 7.23 It is considered that the siting detrimentally intrudes upon the residential garden setting, and the development does not integrate reasonably into the townscape, as an inappropriate development of residential garden space, with a harmful impact on the character and quality of the area. This is unacceptable and contrary to the objectives of the development plan policies in regard to design and character.

Impact on Residential Amenity

- 7.24 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.25 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that “protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.
- 7.26 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”.
- 7.27 The development introduces activity into the front garden setting immediately adjacent to the habitable front rooms of the neighbouring dwelling. It is situated within close proximity.
- 7.28 The site is located on a main road location and proposed opening hours are during the daytime. This would mitigate to a degree the effect of noise resulting from voices for example, but given the existing relatively tranquil residential setting it is a negative aspect of the development. Matters relating to opening times could be dealt with by condition were the scheme found to be acceptable in other regards.
- 7.29 However, the development introduces concentrations of people into close proximity of the neighbouring dwelling in a situation where the visitors are likely to dwell for varying lengths of time. Concerns have been expressed relating to patrons sitting on the garden wall, and smoking near to the dwelling windows for example. It is considered that the development leads to activities causing a perceived loss of privacy and an unneighbourly degree of intrusion, noise and disturbance which is harmful to occupiers of the neighbouring

dwelling at 195 Eastern Esplanade. Potential mitigation measures such as fencing would introduce further visual impacts and are not considered an acceptable response as mitigation.

- 7.30 In light of the above the application is unacceptable and contrary to policy in terms of its impact on neighbour amenities.

Traffic and Transportation Issues

- 7.31 Policy CP3 of the Core Strategy seeks to improve highway safety and accessibility. Policy DM15 sets maximum parking standards for commercial development based on floor space.
- 7.32 There is no parking at the site. Given its location at the sea front, and the character of the development, by which there is strong potential for linked trips, this is considered acceptable.

Community Infrastructure Levy (CIL)

- 7.33 As the proposed development relates 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.

8 Conclusion

- 8.1 The proposed development would provide employment and economic activity in this seafront location. However, the siting and design of the development are found to be harmful to the townscape and seafront character, and there is not a net public benefit of sufficient weight to overcome the less than substantial harm to the setting of the neighbouring non-designated heritage asset. The development is harmful to neighbour amenities. No significantly harmful impacts with regard to traffic and parking have been identified. The development meets the sequential test with regard to flood risk and is acceptable on these grounds. Having regard to all material planning considerations it is considered that, the limited benefits of the proposed development do not outweigh its harmful impacts and conflict with policy. The scheme fails to constitute sustainable development when considered in the round, is found to be unacceptable and is recommended for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason(s):

- 01 The development, by reason of its siting, character and design is an inappropriate use of residential garden space and which integrates poorly with the existing townscape. This is harmful to the character and appearance of the site and wider area. The development causes less than substantial harm to the setting of the associated locally listed building and no public benefits of sufficient weight have been identified to outweigh this harm. This is unacceptable and contrary to the National Planning Policy Framework (2021), the Planning Practice Guidance and National Design Guide (2019), Policies KP2 and CP4 of the Core Strategy (2007),**

Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The development, by reason of its use, design and siting, introduces concentrations of people and activity in this location to a degree which causes harmful noise, disturbance, intrusion and a loss of privacy, in an otherwise relatively tranquil residential setting, to the detriment of the amenities of the occupiers neighbouring residential dwelling at 195 Eastern Esplanade. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

10 Informatives:

1 The development 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 would be payable.

2 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development.

Appendix 2 – Site photograph

