

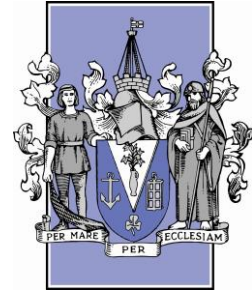
# Public Document Pack

## Southend-on-Sea Borough Council

Civic Centre  
Southend-on-Sea

1 December 2021

Dear Sir or Madam,



I hereby summon you to attend the meeting of the Southend-on-Sea Borough Council to be held in the Council Chamber, Civic Centre, Southend-on-Sea on, Thursday, 9th December, 2021 at 6.30pm for the transaction of the following business.

A Lewis  
Chief Executive

### **A G E N D A**

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Communications**
- 4 Questions from Members of the Public**
- 5 Questions from Members of the Council**
- 6 Minutes of the meeting held Thursday, 21 October 2021 (Pages 1 - 2)**  
Minutes attached
- 7 Minutes of the Meeting of the Council held Thursday, 25 November 2021 (Pages 3 - 12)**  
Minutes attached
- 8 Minutes of the meeting of Development Control Committee held Monday, 25 October 2021 (Pages 13 - 98)**  
Minutes attached
- 9 Minutes of the meeting of Licensing Sub-Committee B held Tuesday, 26 October 2021 (Pages 99 - 100)**  
Minutes attached
- 10 Minutes of the meeting of Cabinet held Tuesday, 2 November 2021 (Pages 101 - 114)**  
Minutes attached

- 11 Minutes of the meeting of Development Control held Wednesday, 3 November 2021 (Pages 115 - 152)**  
Minutes attached
- 12 Minutes of the meeting of Appeals Committee A held Wednesday, 17 November 2021 (Pages 153 - 154)**  
Minutes attached
- 13 Minutes of the meeting of Place Scrutiny Committee held Monday, 29 November 2021**  
Minutes to follow
- 14 Minutes of the meeting of People Scrutiny Committee held Tuesday, 30 November 2021**  
Minutes to follow
- 15 Minutes of the meeting of Policy and Resources Scrutiny Committee held Wednesday, 1 December 2021**  
Minutes to follow
- 16 Minutes of the meeting of Special Cabinet held Monday, 6 December 2021**  
Minutes to follow
- 17 Minutes of the meeting of Special Place Scrutiny Committee held Monday, 6 December 2021**  
Minutes to follow
- 18 Minutes of the meeting of General Purposes Committee held Tuesday, 7 December 2021**  
Minutes to follow
- 19 Local Council Tax Support Scheme 2022/23 (Pages 155 - 162)**  
Report of Deputy Chief Executive and Executive Director (Finance and Resources) attached
- 20 Appointments to Committees, Outside Bodies, etc**
- 21 Opposition Business - Means to Hold the Administration to Account**

**Public Document Pack**  
**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of The Council**

**Date: Thursday, 21st October, 2021**  
**Place: Council Chamber - Civic Suite**

**6**

**Present:** Councillor M Borton (Chair)  
Councillors B Beggs, M Berry, H Boyd, A Bright, K Buck, S Buckley, L Burton, P Collins, J Courtenay, D Cowan, T Cox, M Davidson, A Dear, M Dent, F Evans, K Evans, N Folkard, D Garne, D Garston, S George, I Gilbert, S Habermel, T Harp, B Hooper, D Jarvis, A Jones, M Kelly, J Lamb, A Line, D McGlone, K Mitchell, A Moring, J Moyies, C Mulrone, D Nelson, C Nevin, K Robinson, L Salter, M Stafford, A Thompson, S Wakefield, C Walker, N Ward, J Warren, P Wexham and R Woodley

**Start/End Time:** 6.30 pm - 8.46 pm

**406 Apologies for Absence**

Apologies for absence were received from Councillors Beck, Cowdrey, Shead and Terry.

**407 Communications**

The Worshipful the Mayor informed Councillors that, with the agreement of the Group Leaders, all the business planned for this evening has been postponed, so that Councillors have the opportunity to pay tribute to Sir David Amess, the MP for Southend West since 1997.

**408 Tribute to Sir David Amess MP**

Minutes Silence

The Council remained silent for one minute as a mark of respect to Sir David Amess.

Tribute

The Worshipful the Mayor paid a personal tribute to Sir David Amess MP and thanked the police, paramedics and other emergency services who responded to the terrible events at the Belfairs Methodist Church on Friday 15<sup>th</sup> October 2021. The Mayor also thanked the Council staff and emergency services for all their work over the last week in response to the incident.

Councillors paid tribute to Sir David Amess MP recognising his selfless public service, his support for his constituents and all residents of the Borough as well as the many businesses, community organisations, schools and charities that he actively championed and supported and expressed their deepest sympathies and condolences to Sir David's family, friends and colleagues.

**Chair:** \_\_\_\_\_

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**Public Document Pack**  
**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of The Council**

**Date: Thursday, 25th November, 2021**  
**Place: Council Chamber - Civic Suite**

**7**

**Present:** Councillor M Borton (Chair)  
Councillors K Robinson (Vice-Chair), J Beck, B Beggs, M Berry, H Boyd, A Bright, K Buck, S Buckley, L Burton, P Collins, J Courtenay, D Cowan, T Cowdrey, T Cox, M Davidson, A Dear, M Dent, F Evans, K Evans, N Folkard, D Garne, D Garston, S George, I Gilbert, S Habermel, T Harp, B Hooper, D Jarvis, A Jones, M Kelly, J Lamb, A Line, D McGlone, K Mitchell, A Moring, J Moyies, C Mulrone, D Nelson, C Nevin, L Salter, I Shead, M Terry, S Wakefield, C Walker, N Ward, J Warren, P Wexham and R Woodley

**Start/End Time:** 6.30 pm - 11.03 pm

**462 Apologies for Absence**

Apologies for absence were received from Councillors Stafford and Thompson.

**463 Declarations of Interest**

- Councillor Buck

**Cabinet Committee – 13<sup>th</sup> September 2021**

Minute 324 (Update on Outstanding Schemes – No.335 Highwood Close) – non-pecuniary interest: lives in the road;

**Development Control Committee – 6<sup>th</sup> October 2021**

Application Ref No. 21/01491/FULH – 237 Prittlewell Chase, Westcliff-on-Sea – non-pecuniary interest: Has been contacted by residents in respect of the application;

- Councillor Buckley

**Development Control Committee – 6<sup>th</sup> October 2021**

Application No. 21/01701/FULH – 28 Fastnet, Eastwood – non-pecuniary interest: spoke to residents about the application but took no part in the decision;

- Councillor Burton

**People Scrutiny Committee – 5<sup>th</sup> October 2021**

Minute 374 (Independent SEND Peer Review) and Minute 375 (Children's Services Improvement Board) – non-pecuniary interest: Employed as a teacher at a school outside the Borough;

**Council – 25<sup>th</sup> November 2021**

Minute 486 (Opposition Business – Vecteo) – non-pecuniary interest:  
Employed as a teacher at a school outside the Borough;

- Councillor Courtenay

**Policy and Resources Scrutiny Committee – 7<sup>th</sup> October 2021**

Minute 400 (Selective Licensing) – Pecuniary interest: Owns property within the areas of designation for the Selective Licensing Scheme (withdrew);

- Councillor Cox

**Cabinet Committee – 13<sup>th</sup> September 2021**

Minute 324 (Update on Outstanding Schemes – No. 215 Radar Close) – non-pecuniary interest: Colleague lives in the road;

- Councillor Dent

**Development Control Committee – 6<sup>th</sup> October 2021**

Application Ref No. 20/02156/AMDT – Seaway Car Park, Southend-on-Sea – non-pecuniary interest: Has corresponded with residents in respect of the application;

- Councillor F Evans

**Place Scrutiny Committee – 4<sup>th</sup> October 2021**

Minute 364 (Traffic Regulation Order Objection Report) – non-pecuniary interest: Friends live in Thorpe Bay Gardens;

- Councillor Folkard

**Cabinet Committee – 13<sup>th</sup> September 2021**

Minute 323 (Traffic Regulation Order Objection Report – Junction protection in Hayes Barton) – non-pecuniary interest: lives in the road;

- Councillor Garne

**Policy and Resources Scrutiny Committee – 7<sup>th</sup> October 2021**

Minute 400 (Selective Licensing) – Non-pecuniary interest: partner of landlord not within the areas of designation for the Selective Licensing Scheme;

- Councillor D Garston

**Development Control Committee – 6<sup>th</sup> October 2021**

Application Ref No. 21/01323/FULH – 29 St Augustine's Avenue, Thorpe Bay – non-pecuniary interest: Owner of neighbouring property is known to him;

Application Ref No. 21/01491/FULH – 237 Prittlewell Chase, Westcliff-on-Sea – non-pecuniary interest: Has been contacted by residents in respect of the application;

- Councillor George

**Policy and Resources Scrutiny Committee – 7<sup>th</sup> October 2021**

Minute 400 (Selective Licensing) – non-pecuniary interest: Council's representative on the South Essex Alliance of Landlords and Residents (SEAL);

- Councillor Gilbert

**Development Control Committee – 6<sup>th</sup> October 2021**

Application Ref No. 21/01323/FULH – 29 St Augustine's Avenue, Thorpe Bay – Non-pecuniary interest: Owner of neighbouring property is known to him;

- Councillor Habermel

**Cabinet Committee – 13<sup>th</sup> September 2021**

Minute 323 (Traffic Regulation Order Objection Report – Thorpe Bay Gardens) – Disqualifying non-pecuniary interest: family member lives in the section of road affected (withdrew);

**Policy and Resources Scrutiny Committee – 7<sup>th</sup> October 2021**

Minute 400 (Selective Licensing) – Non-pecuniary interest: Landlord of property not within the areas of designation for the Selective Licensing Scheme;

- Councillor Harp

**Health and Wellbeing Board – 8<sup>th</sup> September 2021**

Minute 291 – A Better Start Southend Update – Non-pecuniary interest: wife is employed by SAVS and he is a volunteer with SAVS; family friend employed in senior role at ABSS;

- Councillor Hooper

**Cabinet Committee – 13<sup>th</sup> September 2021**

Minute 323 (Traffic Regulation Order Objection Report – Junction Protection in Eaton Road) – Non-pecuniary interest: lives in the road;

**People Scrutiny Committee – 5<sup>th</sup> October 2021**

Minute 374 (Independent SEND Peer Review) and Minute 375 (Children's Services Improvement Board) – non-pecuniary interest: Director of a not-for-profit company that works with young people;

- Councillor Jones

**Development Control Committee – 6<sup>th</sup> October 2021**

Application Ref No. 20/02156/AMDT – Seaway Car Park, Southend-on-Sea – Disqualifying non-pecuniary interest: Cabinet Member (withdrew);

- Councillor Moring

**Place Scrutiny Committee – 4<sup>th</sup> October 2021**

Minute 364 (Traffic Regulation Order Objection Report) – non-pecuniary interest: Lives in the vicinity of Thorpe Bay Gardens;

- Councillor Moyies

**Cabinet Committee – 13<sup>th</sup> September 2021**

Minute 323 (Traffic Regulation Order Objection Report – Junction Protection in Malmsmead) – non-pecuniary interest: lives in the road;

- Councillor Mulroney

**Development Control Committee – 6<sup>th</sup> October 2021**

Application Ref No. 20/02156/AMDT – Seaway Car Park, Southend-on-Sea – Disqualifying non-pecuniary interest: Cabinet Member (withdrew);

- Councillor Nelson

**Place Scrutiny Committee – 4<sup>th</sup> October 2021**

Minute 364 (Traffic Regulation Objection Report) – non-pecuniary interest: Friends live in the vicinity of Thorpe Bay Gardens and currently lives in Radar Close;

- Councillor Nevin

**Health and Wellbeing Board – 8<sup>th</sup> September 2021**

Minute 287 – Pandemic Update and Minute 289 – ICS Boundary Progress Update – Non-pecuniary interests: Employed at external NHS Trust; previous employment at Broomfield and Southend Hospitals; family members employed at Mid and South Essex Trust hospitals and in the Trust's Estates Department; Group Director for Pathology at Mid and South Essex NHS Foundation Trust known through previous employment.

**Cabinet Committee – 13<sup>th</sup> September 2021**

Minute 323 (Traffic Regulation Order Objection report – Junction Protection in Flemming Crescent) – non-pecuniary interest: Lives in the road;

**Council – 25<sup>th</sup> November 2021**

Minute 465 (Public Questions) – One of the public questioners is her employer;

- Councillor Salter

**Health and Wellbeing Board – 8<sup>th</sup> September 2021**

Minute 287 (Pandemic Updates) and Minute 289 (ICS Boundary Review Progress Update) – Non-pecuniary interest: Husband is a consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital; Son-in-law is GP in the Borough;



- Councillor Wakefield

**Policy and Resources Scrutiny Committee – 7<sup>th</sup> October 2021**

Minute 400 (Selective Licensing) – non-pecuniary interest: Landlord of House in Multiple Occupation (HMO) property with the Borough;

- Councillor Woodley

**Cabinet Committee – 13<sup>th</sup> September 2021**

Minute 323 (Traffic Regulation Order Objection report – Thorpe Bay Gardens) – non-pecuniary interest: Resident of the Burges Estate;

Officer Interests

**Place Scrutiny Committee – 12<sup>th</sup> October 2021**

Mr A Lewis and Mr A Richards – Minute 405 (Internal Audit Report: Better Queensway Highways Scheme) – non-pecuniary interests: Members of the Board of Porters Place LLP.

**464 Communications**

(a) Minutes Silence

The Council remained silent for one minute as a mark of respect to Theo Steel, former Chair of the Business Partnership and Renaissance Southend, and Keith Holder, former Council Emergency Planning Officer, who both sadly passed away recently.

The Council meeting coincided with White Ribbon Day (25<sup>th</sup> November) and Members of the Council remembered those women who had lost their lives through violence.

(b) Women's Tour

On Thursday 7<sup>th</sup> October 2021 the stage four of the Women's Cycling Tour was hosted by Southend-on-Sea. The Worshipful the Mayor, on behalf of the Council, extended her thanks and appreciation to everyone involved for making this a successful event.

**465 Questions from Members of the Public**

The relevant Cabinet Members responded to written questions received from the public.

**466 Questions from Members of the Council**

The relevant Cabinet Members responded to written and supplementary questions received from Councillors.

**467 Minutes of the Meeting of Council held on Thursday, 9 September 2021**

Resolved:

That the minutes of the meeting held on Thursday, 9<sup>th</sup> September 2021, be confirmed and signed as a correct record.

**468 Petition - Esplanade Gardens: Replacement of Paving Slabs with Tarmacadam**

Councillor Folkard presented a petition containing 26 signatures from residents objecting to the Council's proposals to replace paving slabs with tarmacadam in Esplanade Gardens.

Resolved:

That, in accordance with Council Procedure Rule 15.7 the petition be referred to the Cabinet Committee.

**469 Minutes of the meeting of Appointments and Disciplinary Committee held on Wednesday, 8 September 2021**

Resolved:

That the minutes of this meeting, be noted.

**470 Minutes of the meeting of Health and Wellbeing Board held on Wednesday, 8 September 2021**

Resolved:

That the minutes of this meeting, be noted.

**471 Minutes of the meeting of Cabinet Committee held on Monday, 13 September 2021**

Resolved:

That the minutes of this meeting, be noted.

**472 Minutes of the meeting of Cabinet held on Tuesday, 14 September 2021**

Resolved:

That the minutes of this meeting, be noted and the recommendations contained in Minute 330 (Resourcing Better Outcomes Financial Report for July 2021) and Minute 341 (Regulatory of Investigatory Powers), be approved.

**473 Minutes of the meeting of Appointments and Disciplinary Committee held on Monday, 20 September 2021**

Resolved:

That the minutes of this meeting, be noted.

**474 Minutes of the meeting of Licensing Sub-Committee A held on Tuesday, 21 September 2021**

Resolved:

That the minutes of this meeting, be noted.

**475 Minutes of the meeting of Cabinet Committee held on Tuesday, 21 September 2021**

Resolved:

That the minutes of this meeting, be noted.

**476 Minutes of the meeting of Audit Committee held on Wednesday, 22 September 2021**

Minute 359 (Internal Audit Report: Better Queensway Highways Scheme) was considered in conjunction with Minute 405 of the Special Place Scrutiny Committee held on 12<sup>th</sup> October 2021.

Resolved:

That the minutes of this meeting, be noted.

**477 Minutes of the meeting of Place Scrutiny Committee held on Monday, 4 October 2021**

During consideration of Minute 364 (Traffic Regulation Order Objection Report) a motion to refer the matters relating to Thorpe Bay Gardens TRO and Crosby Road TRO back to Cabinet Committee was proposed and seconded.

Upon being put the vote, the motion to refer the matters back was carried.

Resolved:

That the minutes of this meeting be noted with Minute 364 (Thorpe Bay Gardens TRO and Crosby Road TRO) and the associated part of Cabinet Committee Minute 323, being referred back to Cabinet Committee.

**478 Minutes of the meeting of Appointments and Disciplinary Committee held on Tuesday, 5 October 2021**

Resolved:

That the minutes of this meeting, be noted.

**479 Minutes of the meeting of People Scrutiny Committee held on Tuesday, 5 October 2021**

Resolved:

That the minutes of this meeting, be noted.

**480 Minutes of the meeting of Development Control Committee held on Wednesday, 6 October 2021**

Resolved:

That the minutes of this meeting, be noted.

**481 Minutes of the meeting of Appeals Committee B held on Thursday, 7 October 2021**

Resolved:

That the minutes of this meeting, be noted.

**482 Minutes of the meeting of Policy and Resources Scrutiny Committee held on Thursday, 7 October 2021**

During consideration of Minute 400 (Selective Licensing) a motion to refer the matter back to Cabinet was proposed and seconded.

Upon being put to the vote, the motion to refer the matter back to Cabinet was carried.

Resolved:

That the minutes of this meeting be noted with Minute 400 (Selective Licensing) and the associated Cabinet Minute 333 being referred back to Cabinet.

**483 Minutes of the meeting of Special Place Scrutiny Committee held on Tuesday, 12 October 2021**

Minute 405 (internal Audit Report: Better Queensway Highways Scheme) was considered in conjunction with Minute 359 of the Audit Committee held on 22<sup>nd</sup> September 2021.

During consideration of Minute 405 and the Audit Committee Minute 359 (Internal Audit Report: Better Queensway Highways Scheme) two motions were moved and seconded to recommend to Cabinet that:

(1) The powers delegated to officers by Cabinet in relation to Better Queensway should cease; and

(2) The powers delegated to officers by Cabinet in relation to Better Queensway should not cease.

Upon being put to the vote:

The recommendation set out at (1) above was not carried.

The recommendation set out at (2) above was carried.

Resolved:

That the minutes of this meeting be noted with Cabinet being recommended not to cease the powers delegated to officers by Cabinet in relation to Better Queensway.

**484 Notice of Motion - Lock Car Park Gates to Borough's Parks**

The Notice of Motion submitted by Councillors Wakefield and Ward was withdrawn.

**485 Appointments to Committees, Outside Bodies etc.**

There were no changes to the appointments to Committees, etc.

**486 Opposition Business - Vecteo Contract Issues**

In accordance with Standing Order 19 the Conservative Group requested that that the Vecteo Contract issues be debated.

During consideration of the matter three amendments and one additional resolution were proposed by the Leader of the Council and duly seconded with the support of the Leader of the Conservative Group.

Accordingly, it was resolved that:

1. The decisions of Vecteo to appoint an Interim Managing Director (which occurred recently) and to commence the recruitment process for a permanent Managing Director be welcomed. These officers will be empowered to take control and resolve the numerous issues that have been created by the company since 1<sup>st</sup> September 2021 in delivering services to SEND children and vulnerable adults.

2. The terms of reference of an independent investigation by PricewaterhouseCoopers (PwC), which has already been commissioned into the delivery of the Contract by Vecteo, be sent to the shadow portfolio holders and to be amended if required.

Further, that the final report of PwC be submitted to the Audit Committee.

3. The current investigation being led by Internal Audit into the award of the Contract to Vecteo should also consider whether adequate safeguards, including risk assessments, were put in place to protect the vulnerable users of the services.

Further, that the final report of Internal Audit be submitted to the Audit Committee.

4: Two further steps be taken:

- (i) A customer satisfaction survey be commissioned to establish how the service is currently performing.
- (ii) A report on monitoring Vecteo's performance under the Contract be submitted to each ordinary meeting of the People Scrutiny Committee.

**Chair:** \_\_\_\_\_

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# SOUTHEND-ON-SEA BOROUGH COUNCIL

## Meeting of Development Control Committee

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

8

**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 400m<sup>2</sup>, informal provision (Local Area for Play) for an additional 100m<sup>2</sup> 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 2.9h 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 2,500m<sup>2</sup> 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 400m<sup>2</sup> and informal provision for an additional 100m<sup>2</sup>
- (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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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
<b>Total</b>	<b>350</b>	<b>152</b>	<b>502</b>

- 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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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 Licensing Sub-Committee B

**Date: Tuesday, 26th October, 2021**

**Place: Virtual Meeting via MS Teams**

# 9

**Present:** Councillor K Mitchell (Chair)  
Councillors S Buckley and N Folkard

**In Attendance:** Tim Row and A Penn

**Start/End Time:** 10.30 am - 10.40 am

### **450 Apologies for Absence**

There were no apologies for absence.

### **451 Declarations of Interest**

No interests were declared at the meeting.

### **452 Application for Variation of Premises Licence - Fellini's 34-36 Elm Road Leigh-on-Sea, Essex SS9 1SN - Consent Order**

Further to Minute 189 of its meeting on 13<sup>th</sup> July 2021, the sub-committee was informed that the applicant had submitted an appeal to the Magistrates Court in respect of the above-mentioned application regarding the numbers permitted on the external terrace area.

At the appeal hearing, all parties had agreed that an acceptable maximum capacity on the external terrace could be increased to a maximum capacity of 36 (thirty-six) persons until 9.00 p.m. rather than the limit of 30 persons as determined by the sub-committee at its meeting on 13<sup>th</sup> July 2021.

The Magistrates Court allowed the appeal on the basis of mutual consent and, on the basis that the Court exercise its powers under Section 181(2)(c) of the Licensing Act 2003, had remitted the application back to the Licensing Authority to grant the variation of the licence, as follows:

(i) Annex 3 - Conditions attached after a hearing by the Licensing Authority shall be amended to read:

(1) The external terrace area shall be limited to a maximum of 36 patrons only until 21.00 hrs. From 21:00 hrs until 22.00 hrs the maximum capacity shall not exceed 16 (sixteen) patrons only. The last booking for the use of the terrace shall be 19.00 hrs. For clarity, customers will be seated at tables with waiter/waitress service and the sale of alcohol for consumption on the terrace shall be linked to the purchase of a substantial meal.

(2) All other conditions on the licence shall remain unchanged.

A copy of the Magistrates Court Consent Order was circulated to the sub-committee prior to the meeting.

Resolved:-

That the Magistrates Court's direction be noted and the variation to the licence as set out in the Consent Order be approved.

**Chair:** \_\_\_\_\_

# SOUTHEND-ON-SEA BOROUGH COUNCIL

## Meeting of Cabinet

**Date: Tuesday, 2nd November, 2021**  
**Place: Council Chamber - Civic Suite**

# 10

- Present:** Councillor I Gilbert (Chair)  
Councillors R Woodley (Vice-Chair), L Burton, P Collins, A Jones,  
C Mulroney, C Nevin and M Terry
- In Attendance:** Councillor K Evans  
A Lewis, A Eastgate, M Marks, J Williams, J Chesterton, A Richards,  
C Gamble, S Dolling, S Meah-Sims, C Victory, K Waters, A Roberts,  
S Baker and A Keating
- Start/End Time:** 2.00 pm - 3.38 pm

### **414 Apologies for Absence**

There were no apologies for absence at this meeting.

### **415 Declarations of Interest**

The following Councillors declared interests as indicated:

(a) Cllr Jones – Agenda Item 12 (Annual Safeguarding Report) – Non-pecuniary interest: Reference to schools in the report – has a child still in education in the Borough; Agenda Item 15 (Minutes of the Transport, Asset Management and Inward Investment Working Party held 23 September 2021) – Non-pecuniary interest: son is a transport assistant at the Council;

(b) Cllr Mulroney – Agenda Item 6 (Conservation Area Appraisals) – Non-pecuniary interest: Chair of Trustees of Leigh Heritage Centre in Leigh Old Town.

### **416 Resourcing Better Outcomes - Financial Performance Report for September (Period 6)**

The Cabinet considered a report of the Executive Director (Finance and Resources) reviewing the Council's financial performance.

Recommended:

That, in respect of the 2021/22 Revenue Budget Performance as set out in appendix 1 to the submitted report:

1. That the forecast outturn for the General Fund and the Housing Revenue Account as at September 2021, be noted.

That, in respect of the 2021/22 Capital Budget Performance as set out in appendix 2 of the submitted report:

2. That the expenditure to date and the forecast outturn as at September 2021 and its financing, be noted.

3. That the requested changes to the capital investment programme for 2021/22 and future years, as set out in section 3 of appendix 2 to the report, be approved.

Reasons for decisions:

The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to Councillors, senior officers and other interested parties on the financial performance of the Council. It sets out the key variances being reported by budget holders and the associated management action being implemented to address any identified issues. It also informs decision making to ensure that the Council's priorities are delivered within the approved budget provision.

Other options:

The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the current reporting schedule provides the appropriate balance to allow strategic oversight of the budget by Councillors and to also formally manage the Council's exposure to financial risk.

Note: This is a Council Function

Eligible for call-in to: Policy and Resources Committee

Executive Members: Cllrs Gilbert and Collins

#### **417 Seaway Leisure**

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Finance and Resources) proposing a financial and commercial structure to enable the delivery of the Seaway Leisure development whilst also providing greater ownership and an improved, long-term sustainable commercial return for the Council.

Resolved:

1. That the significant economic benefits that the proposed Seaway Leisure development will bring as outlined in the approved 25 February 2020 Cabinet report and that the project is a clear Council commitment and a Southend 2050 Roadmap project, be noted.

2. That it be noted that the Council has commissioned CBRE to undertake a review of the development, specifically in relation to the elements at a) to c) below:

a) Undertake financial due diligence on Turnstone Estates Ltd (and its company structure, including Turnstone Southend Ltd, the subsidiary special purpose vehicle for Seaway Leisure) and to advise on their suitability as a partner for the Council;



b) Review the proposed Seaway development and its appropriateness including reviewing the anticipated economic benefits; and

c) Look at the most suitable and deliverable funding models for the development and consider the risks and benefits associated with them.

3. That officers proceed with the final negotiations of terms with Turnstone Southend Limited (TSL), and Turnstone Estates Ltd (as parent company guarantor as appropriate) to enable the proposition to be presented to the funding market on the basis set out in sections 7.12 to 7.15 of the submitted report and at the same time proceed to secure the necessary legal and financial advice on those terms to robustly protect the Council's position.

4. That it be noted that officers will update terms with Homes England in relation to the grant funding associated with the Rossi Factory, 1-3 and 29 Herbert Grove, having regard to the proposed revisions.

5. That it be noted that officers will look to identify grant funding opportunities which enable the Council's proposed equity investment to be reduced and/or replaced with grant funding.

6. That authority be delegated to the Executive Director (Finance and Resources), in consultation with the Leader of the Council and the Cabinet Member for Corporate Services and Performance Delivery, to:

a) approach the market for funding at the relevant time;

b) finalise and agree (with independent advice as required) any final terms following responses to the proposition from the funding market; and

c) authorise any relevant actions including the execution of all necessary documentation including that arising from the decisions in 2 to 5 above and recommendation 8 below.

7. That it be noted that the Executive Director (Finance and Resources) will report the exercise of the above specific delegations to a relevant Cabinet meeting.

Recommended:

8. That the use of up to a maximum of £10m (Ten Million Pounds) of the Council's capital reserves as equity in the proposed development to enable the different and significantly improved commercial terms as illustrated in the Financial Implications section of the report, and thereby significantly reduce the Council's financial risk and an improved annual income stream, be approved.

Reasons for decisions:

1. The benefits of the proposed development have been clearly stated in preceding papers to Cabinet. Cabinet has clearly articulated its wish to see more leisure, culture, and tourism in the Town and to actively support the economic recovery of the Town, particularly the town centre.

2. The approach set out in the report enables the Council to apply a small proportion of its capital reserves to de-risk this major development and give it the required support to enable delivery of the project with a fully balanced risk and reward approach.

Other options:

As set out in the submitted report.

Note: This is an Executive Function save that the recommendation in 8 above constitutes a Council Function.

**Called-in to: Policy and Resources Scrutiny Committee**

Cabinet Members: Cllr Gilbert and Cllr Collins

#### **418 Highways Safety Improvements**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) requesting that consideration be given to the new Highways Improvement Policy for the prioritisation and implementation of Highways Improvement Schemes.

Resolved:

1. That the new Highway Improvements Policy for the prioritisation and implementation of Highways Improvement Schemes, be approved.

2. That authority be delegated to the Director of Highways to deliver the policy in accordance with the agreed implementation plans for the various service area assets/issues.

Reasons for decision:

To adopt a new Highway Improvements Policy that provides a programme based on the highest scoring priorities boroughwide, within the resources available. All requests would be assessed against the scoring matrix and the resulting priority score used as a basis for setting an annual forward programme.

Other options:

The Council could allocate each Ward an equitable budget (excluding any available s106 funds within their area) so that each Ward has the opportunity to select a maximum number of proposals each year, to this value, subject to scoring the proposals using the agreed priority scoring matrix. This option would result in long lists of schemes that are progressed irrespective of the estimated cost, making resource plans and forward programmes difficult.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Woodley

#### **419 Conservation Area Appraisals**

The Cabinet considered a report of the Interim Executive Director (Growth and Housing) presenting the Conservation Area Appraisals produced by independent heritage experts, Purcell, for seven of the Borough's fourteen existing Conservation Areas, following recent public consultation.

Resolved:

That the updated and new Conservation Area Appraisal documents, set out at Appendices 1 to 7 of the submitted report, for the established Conservation Areas at Chapmanslord, Eastern Esplanade, Leigh Old Town, Prittlewell, Shorefields, The Kursaal and Warrior Square, be adopted.

Reason for decision:

The Conservation Area Appraisals produced provide up to date evidence on each Conservation Area and provide a new management plan to help guide appropriate and sympathetic change within the area and highlight opportunities to enhance the character and appearance of these important heritage areas.

Other options:

Not to adopt the Conservation Area Appraisals for Chapmanslord, Eastern Esplanade, Leigh Old Town, Prittlewell, Shorefields, The Kursaal and Warrior Square. However, this would mean that each of these Conservation Areas does not have an up-to-date Appraisal and Management Plan in place.

Note: This is an Executive Function  
Eligible for call-in to: Place Scrutiny Committee  
Cabinet Member: Cllr Mulroney

#### **420 Electric Vehicle Charging Supplementary Planning Document**

The Cabinet considered a report of the Interim Executive Director (Growth and Housing) presenting the feedback from the public consultation on a draft Supplementary Planning Document (SPD) for Electric Vehicles Charging Infrastructure Requirements in New Developments.

Resolved:

1. That the feedback from the public consultation set out in the submitted report and the summary table attached at appendix 1, be noted.
2. That the Electric Vehicles Charging Infrastructure Requirements in New Development Supplementary Planning Document (SPD) to guide the new developments and development management decisions (attached at Appendix 2 to the report), be adopted.
3. That the Interim Policy Guidance for Electric Vehicles Charging Infrastructure Requirements in New Developments, attached at Appendix 3 to the report, be deleted upon formal adoption of the Electric Vehicles Charging Infrastructure Requirements in the New Development Supplementary Planning Document (SPD).

Reasons for decision:

To ensure the timely roll out of EV charging infrastructure to keep pace with new development in the Borough. Future proofing new development through the provision of EV charging points and passive provision of cabling will avoid expensive retrofitting to adapt for the use of electric vehicles as EV use becomes more widespread as is expected.

Other Options:

The Council has set an ambitious target to be carbon zero by 2030. The SPD sets out a clear approach to boosting the provision of charging infrastructure for electric vehicles in the Borough as new development comes forward. A failure to act now would result in such infrastructure coming forward at a much slower pace. Not having an adopted SPD in place for electric charging points would also risk the Council incurring costs in attempting to defend refusals of planning permission based on an outdated policy framework and related evidence base.

Note: This is an Executive Function  
Eligible for call-in to: Place Scrutiny Committee  
Cabinet Member: Cllr Mulroney

#### **421 Gambling Act Licensing Policy**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the outcome of the formal consultation process in respect of the Gambling Licensing policy and a proposed final statement for the purposes of the Gambling Act 2005.

Recommended:

That the Statement of Gambling Licensing Policy, set out Appendix 1 to the submitted report, be approved. ||

Reasons for Recommendation:

To comply with the statutory duty under Section 349 of The Gambling Act 2005.

Other Options:

None.

Note: This is a Council Function  
Eligible for call-in to: Place Scrutiny Committee  
Cabinet Member: Cllr Terry

#### **422 Southend Theatres Contract Review**

The Cabinet considered a report of the Executive Director (Adults and Communities) drawing attention to the need for major capital investment in the Cliffs Pavilion and providing an update on the outcome of the recent successful Levelling Up Fund announcement, of which the Cliffs Pavillion was an element of that bid.

Resolved:

1. That the impact of the proposed project on the Council's Medium Term Financial Plan, be noted.
2. That it be noted that the capital investment will be financed by a mixture of a contribution from HQ Theatres, external funding via the Levelling Up Fund and borrowing.
3. That the change from service contract to land transaction (lease) between SBC and HQ Theatres with an appropriate redistribution of liabilities and returns, be approved.
4. That authority for the financial and contractual negotiations between SBC and HQ theatres be delegated to the Council's S.151 Officer (Executive Director Finance and Resources) in consultation with the Cabinet Member for Environment, Culture Tourism and Planning, ensuring that they deliver best value yet ensure timely approvals for project delivery.

Recommended:

5. That in the light of the financial position, the proposed investment of £8.3M into the Cliffs Pavilion be approved in principle, subject to a viable business case being agreed by the Council's Investment Board and a new lease agreement with HQ Theatres.

Reasons for decisions:

1. To maximise the venue's economic impact, increase jobs and spend and enhance the visitor's experience and dwell time in the Theatre.
2. The refurbishment and investment for the Theatre will help to ensure its future, protecting it from failure and reputational and financial damage to the Council.
3. The Theatre is the Council's asset, and a significant asset to the community. The Council would be liable for significant losses to HQ Theatres if the building were to close or fail to operate.
4. The Theatre is in need of substantial and continued capital investment and the option to do nothing would result in depreciation of a key Council asset.

Other Options:

The Council could continue to maintain capital works at the Theatre without making significant change to the offer. This is not recommended as consumer expectations have changed and whilst major maintenance has been done, the Cliffs has not had any major refurbishment/changes for c.28 years. The offer is very tired and could lead to failures and multiple lost opportunities.

Note: This is an Executive Function save that the recommendation in 5 above constitutes a Council Function.

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

#### **423 Treasury Management Report - Mid Year 2021/22**

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Finance and Resources) presenting the Mid-Year Treasury Management Report covering the treasury management activity and compliance with the treasury management strategy for both quarter two and the period from April to September 2021.

Resolved:

1. That the Treasury Management Mid-Year Position report for 2021/22, be approved.

2. That the benchmark against which in-house investment performance is measured be changed from 7-day LIBID to SONIA, with effect from 1 January 2022.

3. That it be noted that the treasury management activities were carried out in accordance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Sector during the period from April to September 2021.

4. That it be noted that the loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.

5. That it be noted that £0.759m of interest and income distributions for all investments were earned during this six-month period at an average rate of 0.99%. This is 1.07% over the average 7-day LIBID (London Interbank Bid Rate) and 0.89% over the average bank rate. Also, the value of the externally managed funds increased by a net of £1.685m due to changes in the unit price, giving a combined overall return of 3.17%.

6. That it be noted that the level of borrowing from the Public Works Loan Board (PWLB) (excluding debt relating to services transferred from Essex County Council on 1<sup>st</sup> April 1998) remained at £310.3m (Housing Revenue Account (HRA): £75.0m, General Fund: £235.3m) during the period from April to September 2021.

7. That it be noted that the level of financing for 'invest to save' schemes decreased from £8.53m to £8.46m during the period from April to September 2021.

Reasons for Decisions:

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2021/22 set out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation.

Other Options:

There are many options available for the operation of the Treasury Management function, with varying degrees of risk associated with them. The Treasury Management Policy aims to effectively control risk to within a prudent level, whilst providing optimum performance consistent with that level of risk.

Note: This is an Executive Function

Eligible for call-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Collins

#### **424 Annual Report - Comments, Complaints and Compliments 2020/21**

The Cabinet considered a report of the Executive Director (Legal and Democratic Services) providing performance information about comments, complaints and compliments received across the Council for 2020/21.

Resolved:

1, That the Council's performance in respect of comments, complaints, and compliments and Ombudsman investigations for 2020/21, be noted.

2. That the matter be referred to all three Scrutiny Committees (Sections 4 and 5 of the submitted report referred to the People Scrutiny Committee only).

Reason for Decisions:

To ensure the Council continues to have transparent and effective complaint procedures.

Other Options:

None.

The reporting of general complaint performance is required by the Local Government and Social Care Ombudsman as demonstration of good practice. Reporting concerning social care complaints and Ombudsman decisions is required by law.

Note: This is an Executive Function

**Referred direct to: All three Scrutiny Committees (save that Sections 4 and 5 of the report are matters only for People Scrutiny Committee).**

Cabinet Members: Cllr Collins (overarching), Cllr Nevin (Section 4) and Cllr Burton (Section 5).

#### **425 Annual Safeguarding Report**

The Cabinet considered a joint report of the Executive Directors (Adult and Communities and Children and Public Health) presenting the Annual Report from the Southend Strategic Safeguarding Partnership (SSSP) on the annual assurance assessment for the Council in respect of its responsibilities for safeguarding children and adults in Southend.

Resolved:

That the Annual Report from the Southend Strategic Safeguarding Partnership (SSSP), be noted.

Reasons for decision:

To keep the Council informed of the position in respect of safeguarding children and adults in Southend. Section 43 of the Care Act 2014 and section 41 of the statutory guidance in Working Together to Safeguard Children 2018 (WT 2018) document, together require the Southend Safeguarding Partnership to produce and to publish an annual report.

Other Options:

None

Note: This is an Executive Function

**Called-in to: People Scrutiny Committee**

Cabinet Members: Cllr Burton and Cllr Nevin

#### **426 Information, Advice and Guidance Procurement**

The Cabinet considered a report of the Executive Director (Adults and Communities) presenting the procurement options for an Information, Advice and Guidance service that was not on the procurement plan for 2022/23.

Resolved:

That the procurement of an Information Advice and Guidance service for 1<sup>st</sup> April 2022 for £250,000 per annum, with a contract term of five years, with an option to extend the contract a further 5 years, be approved.

Reasons for decision:

The Council has a statutory duty to ensure effective Information, Advice and Guidance (IAG) is available to residents. The local authority must ensure that IAG services established cover more than just basic information about care and support and cover the wide range of care and support related areas including prevention of care and support needs, finances, health, housing, employment, what to do in cases of abuse or neglect of an adult and other areas where required.

Other Options:

None.

The Council would not be meeting its statutory obligations as a local authority without an effective Information, Advice and Guidance offer.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Nevin



**427 Minutes of the Environment, Culture, Tourism and Planning Working Party held Thursday 29th July 2021**

The Cabinet considered the recommendations of the Environment, Culture, Tourism and Planning Working Party held on 29<sup>th</sup> July 2021 concerning requests for buildings/structures to be added to the local list.

Resolved:

That the recommendations of the Environment, Culture, Tourism and Planning Working Party concerning the requests for local listing set out below, be approved:

1. That the Parade of shops at 248-260 London Road, Westcliff-on-Sea be designated as a Locally Listed Building/Structure.

2. That the terrace of outbuildings/garages to the rear of 593-647 Southchurch Road and 555 London Road, not be designated as Locally Listed Buildings/Structures.

Reasons for decision:

To respond to the recommendations from the Environment, Culture, Tourism and Planning Working concerning the designation of buildings/structures for the local list.

Other options:

None

Note: This is an Executive Function  
Eligible for call-in to: Place Scrutiny Committee  
Cabinet Member: Cllr Mulroney

**428 Minutes of the Transport, Asset Management and Inward Investment Working Party held Thursday 23 September 2021**

The Cabinet considered the recommendations of the Transport, Asset Management and Inward Investment Working Party held on 23<sup>rd</sup> September 2021 concerning the Notices of Motion referred to the Working Party.

Resolved:

That the recommendations of the Transport, Asset Management and Inward Investment Working Party concerning the Notices of Motion set out below, be approved:

1. Kursaal Comeback

(a) That the Notice of Motion, be noted.

(b) That the lease not be reacquired until such time as the costs and liabilities associated with the Kursaal have been fully assessed and the options for intervention can be considered. This needs to be assessed against the Council's wider budget position recognizing the ambition to see the Kursaal reopen to the public, in a way that both preserves its rich heritage and delivers the best option for local taxpayers and maintains financial sustainability for the Council.

(c) That officers work with Concrete Culture to explore the ideas sourced from Southend residents and look at ways to evolve and realise Concrete Culture's vision for the Kursaal through a financially viable and self-sustaining operating model, which has been co-created and produced with Southend residents and with appropriate external funding input to create and operate any sustainable model.

(d) That officers explore potential funding options, for all interested parties, including the Levelling Up Fund (Round 2) and the Community Ownership Fund, which may help to secure a strong and lasting future for the Kursaal as an important part of Southend's identity.

(e) That officers continue the dialogue with the leaseholders, particularly in relation to their plans, potential occupiers, the condition of the building and compliance with the lease terms.

## 2. Wildflower Verges

(a) That the motion relating to the environmentally sound management of roadside verges, be noted.

(b) That the continued naturalisation of highways verges in locations identified by officers in consultation with relevant portfolio holders and ward councillors, that meet the requirements of both highways' operational maintenance and environmental considerations, be supported.

(c) That awareness raising and understanding of the benefits of naturalised grass areas be promoted.

(d) That alternative options around the use of glyphosate-based herbicides be developed and reported to Cabinet at a later date.

## 3. North South Public Transport Service

(a) That the Notice of Motion, be noted.

(b) That officers continue to establish a list of schemes suggested during the BSIP consultation and activities, and to then assess schemes to be brought forward for further analysis.

## 4. Government Levelling Up Fund

(a). That the Notice of Motion be noted.

(b). That it be noted that whilst the aspirations in the Notice of Motion are supported, alternative funding would be required.

#### 5. Traffic Emissions Reduction in Southend

That it be noted that consideration of the Notice of Motion regarding traffic emissions was deferred to a future meeting of the Working Party, once the new Head of Sustainability was in post.

Reasons for decision:

To respond to the recommendations from the Working Party in relation to the Notices of Motion.

Other options:

None

Note: This is an Executive Function

Eligible for call-in to:

Place Scrutiny Committee (Item 2 – Wildflower Verges, Item 3 – North-South Public Transport Services and Item 5 – Traffic Emissions Reduction in Southend)

Policy and Resources Scrutiny Committee (Item 1 – Kursaal Comeback and Item 4 – Government Levelling Up Fund)

Cabinet Member: Cllr Woodley / Cllr Gilbert as appropriate to the item

#### 429 **SO46 Report**

Resolved:

That the submitted report, be noted.

Note: This is an Executive Function

**Called-in to: Place Scrutiny Committee and Policy and Resources Scrutiny Committee**

Cabinet Member: as appropriate to the item

**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

# 11

**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 (2007) 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 13:00 hours 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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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](http://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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Councils website ([www.southend.gov.uk/CIL](http://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 2.5m<sup>2</sup> for all three-bed units and 3m<sup>2</sup> for all four-bed units , excluding kitchen cupboards and wardrobes less than 0.72m<sup>2</sup> in a double bedroom and 0.36m<sup>2</sup> 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 (lppd) (110 lppd 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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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](mailto: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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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](mailto: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](http://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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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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**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of Appeals Committee A**

**Date: Wednesday, 17th November, 2021**

**Place: Committee Room 1 - Civic Suite**

**12**

**Present:** Councillor M Stafford (Chair)  
Councillors D Garne, B Beggs, S Buckley, A Line and \*K Mitchell

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** R Harris and A Smith

**Start/End Time:** 9.30 am - 12.20 pm

**453 Apologies for Absence**

Apologies for absence were received from Councillors Berry (substitute: Cllr Mitchell) and Thompson (no substitute).

**454 Declarations of Interest**

There were no declarations of interest at this meeting.

**455 Exclusion of the Public**

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below, on the grounds that they would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**456 School Transport Appeal - AL**

The Committee considered a report of the Executive Director (Children and Public Health), together with supporting correspondence from the parent of students AL and EL, in connection with applications for home to school transport assistance.

The parent was unable to attend to present their case and therefore the Committee considered the submitted written evidence and information.

Resolved:

That the appeal be upheld and home to school transport assistance be granted for students AL and EL to the end of the academic year.

**457 School Transport Appeal - EL**

This appeal was considered in conjunction with Minute 456 above.

**458 School Transport Appeal - EM**

The Committee considered a report of the Executive Director (Children and Public Health), together with supporting correspondence from the parent of students EM and HM, in connection with an application for home to school transport assistance.

The parent was unable to attend to present their case and therefore the Committee considered the submitted written evidence and information.

Resolved:

1. That the appeal be upheld and home to school transport assistance be granted for student EM to the end of the academic year.

2. That there being no circumstances reported which would justify a departure from the Council's policy, the appeal for student EM be dismissed.

**459 School Transport Appeal - HM**

This appeal was considered in conjunction with Minute 458 above.

**460 School Transport Appeal - KC**

The Committee considered a report of the Executive Director (Children and Public Health), together with supporting correspondence from the parent of pupil KC, in connection with an application for home to school transport assistance.

The parent was unable to attend to present their case and therefore the Committee considered the submitted written evidence and information.

Resolved:

That the appeal be upheld and home to school transport assistance be granted for student KC to the end of the academic year.

**461 School Transport Appeal - YC**

The Committee considered a report of the Executive Director (Children and Public Health), together with supporting correspondence from the parent of pupil YC, in connection with an application for home to school transport assistance.

The appellant was in attendance and presented their case and reasons.

Resolved:

That the appeal be upheld and home to school transport assistance be granted for student YC to the end of the academic year.

**Chair:** \_\_\_\_\_

# Southend-on-Sea Borough Council

## Report of Executive Director (Finance & Resources)

### To Council on 9th December 2021

Report prepared by: Tracey Nicola  
Benefits Service Manager

Agenda  
Item No.

19

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### Local Council Tax Support Scheme 2022/23

Policy & Resources Scrutiny Committee  
Executive Councillor: Councillor Gilbert

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#### 1. Purpose of Report

To adopt the Local Council Tax Support Scheme for 2022/23.

#### 2. Recommendations

- 2.1 That the current Local Council Tax Support Scheme be re-adopted for 2022/23.

#### 3. Background

- 3.1 For each new financial year, each billing authority must consider whether to revise its Local Council Tax Support Scheme (LCTSS) or to replace it with another scheme. The design of the LCTSS must be finalised by 31 January each year at the very latest. Failure to provide a scheme by this date would trigger the imposition of the Governments default scheme. The Government default scheme would require the Council to revert back to the level of support that would have been provided under the national Council Tax Benefit arrangements. Reverting to this scheme would mean that the Council would have to find in the region of circa £1.6 million from elsewhere in its annual budget.
- 3.2 The Council designed a scheme for 2013/14 which passed the reduction in funding received onto working age claimants, making it a cost neutral scheme.
- 3.3 The scheme has been re-adopted each year since. It has proved to be a robust scheme with no legal challenges and good rates of increasing collection. However, Southend has been live with universal credit since July 2017 which has some impacts on the LCTSS around claim dates and treatment of income.

3.4 As the scheme impacts on the Council Tax base, a key component in estimating the resources available to the Council, it is deemed prudent to confirm the scheme in December allowing Cabinet to agree a Council Tax base in January 2022 for the financial year 2022/23.

#### 4. Current Scheme

4.1 Local Council Tax Support replaced Council Tax Benefit with effect from 1 April 2013. People of pension age continue to be protected from adverse changes by the Government but for people of working age, the Council has adopted a scheme which has the following key elements:

- The calculation of support is based on 75% of the Council Tax liability rather than 100%;
- The calculation of support is based on a maximum of a band D property. This means that anyone of working age that lives in a property with a Council Tax band of E, F, G or H, has their support calculated as if their property was a band D;
- The capital limit is £6,000 so those with capital exceeding £6,000 are required to make full payment of their Council Tax liability;
- The introduction of an exceptional hardship scheme which is intended to help people whose individual circumstances mean that the increased Council Tax bill is causing them exceptional hardship.

4.2 In 2018/19 the Scheme was adapted to include 3 assessment changes. A flat rate deduction for Non-dependents in the household. A minimum income floor for Self Employed earners and the Universal Credit Award Notification accepted as a claim for LCTS.

4.3 As Members will be aware people with disabilities that have had their property adapted can apply for a reduction in their Council Tax liability. Within the Council Tax Support Scheme disability benefits are disregarded when calculating the amount of support given and additional allowances for living expenses are applied.

4.4 The scheme was designed to take into account the ability to pay and the collectability of the resultant Council Tax liability. The amount of Council Tax due from working age recipients of LCTSS collected in year has been as follows:-

Year	% collected in year
2013/14	73.6
2014/15	76.2
2015/16	77.8
2016/17	80.2
2017/18	80.2
2018/19	80.8
2019/20	81.0
2020/21	89.5
2021/22	62.32 (end of Oct)

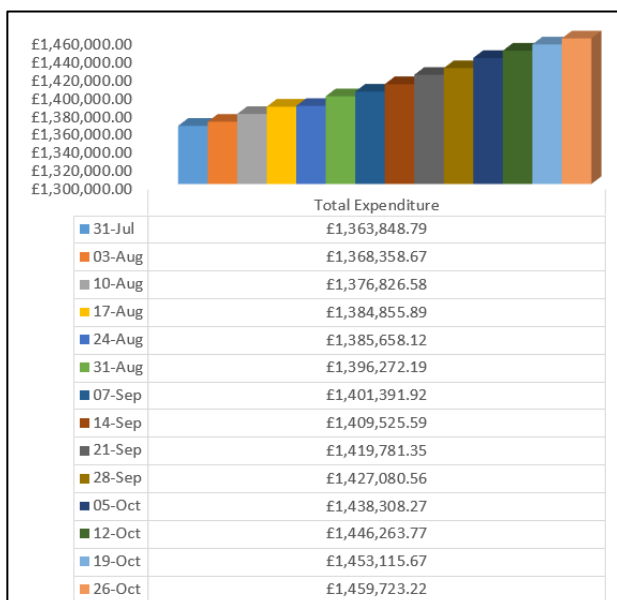
- 4.5 Although pensioners only account for 36% of the caseload, they account for 48% of the total cost, which is a 3% increase from last year. This is a consequence of the Government's requirement that the LCTSS must leave pensioners entitlement to assistance unaltered from the previous Council Tax Benefit arrangements, with any reduction in entitlements only affecting those of working age.
- 4.6 There have been relatively few complaints about the criteria of the scheme and the majority of people affected have accepted that they need to pay something. Council Tax officers continue to offer flexible payment arrangements to those on differential incomes and they can use the exceptional hardship fund for those who absolutely cannot pay.

## **5. Current developments**

- 5.1 The managed migration onto Universal Credit which was originally due to begin in January 2019 and conclude by 2020 has been further postponed. At the latest budget statement the new date for full rollout has been given as 2025, although this is expected to move again given previous precedent. An official timetable for any managed migration of current caseload onto Universal Credit has not been released. Due to continuing delays, at this stage Southend-on-Sea Council do not know when the managed migration will actually commence or where they will fall in the schedule of that roll out.

## **6. Impact of Covid-19**

- 6.1 The impact of the Covid-19 pandemic has been far reaching since the first lockdown in March 2020. There have been numerous changes to Government Policies and various grant schemes set up to support people affected throughout the year. There is continuing uncertainty about what further changes this pandemic may bring and the toll of its impact on the economy and peoples lives, especially for the Working Age population.
- 6.2 The Government has again subsidised a £150 Covid-19 Hardship Payment to all working age people who received Council Tax Reduction for this financial year. This was also provided in the 2020/21 year. This has helped us to maintain a reasonable collection rate against those in receipt of Council Tax Reduction. Without this award the collection rates would not be on par with previous years. Below is a table of the amount we have awarded by month since April. The budget given by the Government for this year was £1,977,049.00, of which we have spent £1,459,732.22 of our allocation up to the 26<sup>th</sup> October 2021. This means we have spent 73.8% within the first 7 months.



- 6.3 It should be noted that the % of people making no payments when on Council Tax Reduction has increased. It should also be noted that the overall caseload has seen an increase from pre covid levels.
- 6.4 There is an ongoing effect from Covid-19 to our Council Tax base. The main impact has been an increased level of support provided to residents. Covid-19 has also impacted the Council Tax Base as the lockdowns had slowed or ceased new builds that were planned, and properties being occupied.
- 6.5 The pandemic has effected large numbers of Southend's residents. Many have been furloughed during the lockdowns, with reduced incomes bringing financial and mental health stresses. There is also a growing number of unemployed having to seek assistance from the benefits system, possibly for the first time in their lives, and the effect that has on their mental state as well as the ability to cover the remaining charges. The unemployment rate in Southend is at 4.9% compared to a UK average of 4.5%.
- 6.6 It is worth noting that the Council has provided additional support to people affected throughout the pandemic to help ease their financial pressures. This support will continue to be offered through the remainder of this financial year and will help to ensure the residents of Southend are in a stronger financial position moving into 2022/23.

Support Offered	Description
Covid Local Support Grant £539,943 11,464 households supported	The grant was used to support vulnerable households between 17 <sup>th</sup> April 2021 and 30 <sup>th</sup> September 2021. Provided free school meals in the holidays for those that qualified and provided grants for food, fuel and other essentials to vulnerable households in the borough.
Household Support Fund £1,413,078	The grant will be used to support vulnerable households during the winter months, to the 31 <sup>st</sup> March 2022. It will provide free school meals in the holidays for those that qualify and provide



	grants for food, fuel and other essentials to vulnerable households in the borough
Essential Living Fund £233,000	This is the local welfare provision in Southend. It provides food, fuel, clothing, furniture and white goods for people under exceptional pressure or settling in the community.
Discretionary Housing Payments £577,816	This is available for people who have a shortfall between their rent and the Housing Benefit or Universal Credit Housing Costs entitlement. It is designed to help secure tenancies or support people in the short term whilst they look for more affordable housing.
School Uniform Grant £25,000	This is available for parents or guardians under exceptional circumstances, either, changed schools after being housed by the Local Authority as homeless, changed schools after being placed in a refuge or having lost clothing due to a fire or flood
Test and Trace Support Payments To date we have made 1155 awards, which is £577,500	This is £500 payment to anyone who has been identified by NHS Test and Trace as having to isolate (following a positive Covid Test, or if a close contact required to self isolate), if they are unable to work from home and will lose employed or self employed income as a result.
Council Tax Exceptional Hardship Fund	This is for people struggling on a low income and unable to meet their Council Tax payments. They can request a reduction to the charge of 100%. This is means tested assessment and is only awarded in exceptional circumstances, and after all the available discounts/exemptions have been exhausted to assist with the reduction and management of the debt.

## 7. Reasons for Recommendations

- 7.1 There have been no administrative issues with the existing scheme and residents have responded positively with very few complaints. We are proposing to retain the existing scheme as it stands to give residents consistency in this continuing period of welfare reform and uncertainties to the universal credit timeline and Covid-19 pandemic.

## 8. Corporate implications

### 8.1 Contribution to Council's Southend 2050 Ambition

The maintenance of a cost neutral LCTSS will assist with maintaining a robust budget. It will also provide work incentives to residents who have been long term unemployed supporting Opportunity and Prosperity. The scheme will protect pensioners to ensure a decent living standard and it also confirms the disregard of disability benefits supporting Safe and Well.

## 8.2 Financial Implications

There are no changes to the Scheme therefore there are no additional financial implications.

Were the Council to revert to the default scheme (the old council tax benefit scheme), the financial impact would be in the region of £1.6million.

## 8.3 Legal Implications

The Local Government Finance Act 2012 provided for the introduction of the localisation of Council Tax support by making changes to the Local Government Finance Act 1992. These require that:

- For each financial year, each billing authority must consider whether to revise its scheme or replace it with another scheme
- The authority must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect

A detailed exceptional hardship discount policy has been written under section 13a of the Council Tax legislation.

## 8.4 People Implications

There are no changes to the Scheme therefore there are no implications to Residents.

## 8.5 Property Implications

There are no specific property implications.

## 8.6 Consultation

Before final approval of local schemes, Councils are required to consult:

- Major precepting authorities (Police and Fire)
- The public
- Relevant stakeholder groups e.g. Citizens Advice Bureau, voluntary bodies

Full consultation was undertaken with these groups in 2012 prior to proposing the current scheme. There have been further consultations in 2015 and 2017.

This year we have not consulted on the scheme as no changes are being proposed.

## 8.7 Equalities and Diversity Implications

An equality impact assessment was undertaken as part of the adaptations of the scheme from April 2018 and can be found attached to the Council Report in appendix 1

## 8.8 Risk Assessment

A full risk assessment was carried out as part of the original LCTSS scheme. The risks remain unaltered.

## 8.9 Value for Money

The recommendations in this report will not contribute to an increase in Council Tax.

## 8.10 Community Safety Implications

There are no specific community safety issues identified.

## 8.11 Environmental Impact

There are no specific environmental impacts identified.

## 9 Background Papers

Latest Equality Impact Assessment Report

## 10 Appendices

None

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