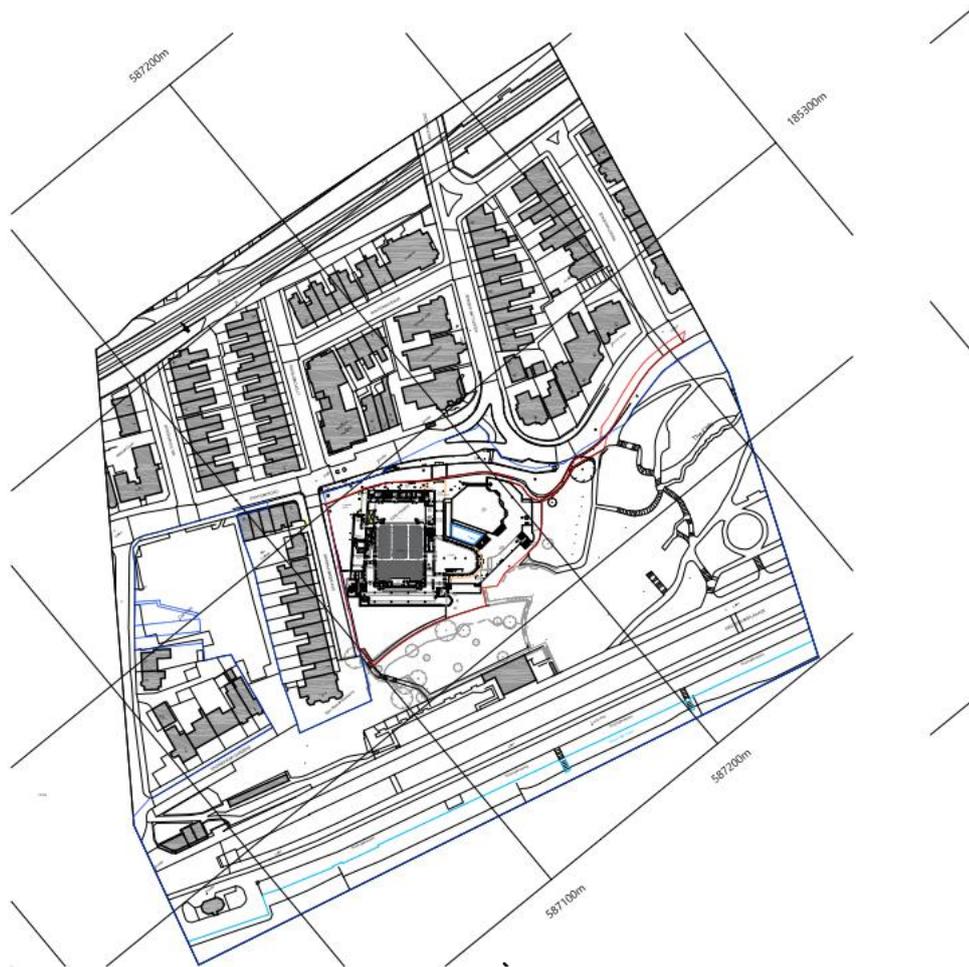


Reference:	21/01314/BC4	
Application Type:	Full	
Ward:	Milton	
Proposal:	Erect single storey side and front extension to form 200 cover restaurant, new entrances and circulation lobby, erect lower ground side extensions, internal alterations including infilling of existing balcony, install canopies to 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.	
Address:	Cliffs Pavilion Station Road Westcliff-On-Sea Essex SS0 7RA	
Applicant:	HQ Theatres Ltd	
Agent:	DesignLSM	
Consultation Expiry:	27 th October 2021 `	
Expiry Date:	5 th November 2021	
Case Officer:	Abbie Greenwood	
Plan Nos:	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	
Supporting Documents	<p>Planning, Design and Access Statement dated 21.6.21</p> <p>Transport Statement by Glanville reference 001-4200507_DK dated 17.6.21</p> <p>Drainage Statement by Glanville reference 42000507/MCR/002 dated 11.6.21</p> <p>Drainage Plans reference IC-00821-MD-090-T1, IC-00821-MD-100-T1, IC-00821-MD-200-T1, IC-00821-MD-300-T1</p> <p>Water Services Plans IC-00821-MP-090-T1, IC-00821-MP-100-T1, IC-00821-MP-200-T2</p> <p>Slope Stability Statement by Glanville reference 42000507/KA/003 dated June 2021</p> <p>Environmental Noise Survey by RSK Acoustics</p>	

	<p>reference 206/0208/R1 dated 29.9.21</p> <p>Letter from RSK Acoustics reference 206/0208/L1 dated 11.6.21</p> <p>Mechanical, Electrical and Public Health Outline Scope of Works Reference IC-00821 dated April 2021</p> <p>Mechanical Ventilation Plan reference 21161/002</p> <p>Comfort and Cooling Plan Reference IC-00821-MV-090-T2, IC-00821-MV-100-T2, IC-00821-MV-200-T2, IC-00821-MV-300-T2</p> <p>Electrical Supply Plans IC-00821-CON-EC-090-T1, IC-00821-CON-EC-095-T1, IC-00821-CON-EC-100-T1, IC-00821-CON-EC-200-T1, IC-00821-CON-KD-090-T1, IC-01018-CON-KD-095-T1</p> <p>Fire Strategy Plans reference 08-01, 08-02-A, 08-03</p> <p>Work Areas Key Diagram reference IC-01018-CON-KD-100-T1, IC-01018-CON-KD-200-T1</p> <p>Renewables Statement by Inspire Consulting dated June 2021</p> <p>External Lighting Calculation Presentation dated June 2021</p> <p>External Lighting Concepts Rev A dated June 2021</p> <p>External Lighting Plans P01#, P02#, P03#</p> <p>Construction Management Plan and plan reference SK04</p> <p>Lighting - Manufacturers Specifications</p>
<p>Recommendation:</p>	<p>GRANT PLANNING PERMISSION</p>



1 Site and Surroundings

- 1.1 The Cliffs Pavilion is the Borough's main theatre. It dates from the 1960s and was extended on the south side in the late 1990s. It is a large imposing building which sits on the top of the clifftop at Westcliff at the western end of the cliff gardens. The building has a commanding and prominent position on the clifftop facing the estuary and is a local physical and cultural landmark. To the south and southeast the building is wrapped by the cliff gardens. To the northeast side is a sunken paved terrace with water feature adjacent to the main entrance which is the site of the proposed extension. To the west and north the building is surrounded by residential properties and those to the northeast fall within the Shorefields Conservation Area the nearest boundary of which is opposite the site at Station Road and Westcliff Parade. There are some commercial uses in the vicinity of the site, mainly small restaurants to the west and south on esplanade.
- 1.2 There are 62 off street spaces on the site in total including parking for disabled people. Some of these are under and adjacent to the building in the southwest corner and some are on the service road to the front of the site. The site is close to two large public car parks in Shorefield Road and Western Esplanade. The surrounding roads also have on street parking but on street spaces in all the surrounding streets are covered by a residents parking scheme.

- 1.3 The site falls within the Central Seafront Policy Area as defined by the Southend Central Area Action Plan (SCAAP). The clifftop gardens to the east are designated as protected open space but this designation does not cover the sunken terrace site. The building is listed as a landmark under SCAAP policy DC3. The site fronts onto the Seafront Landmark Area Key View as defined by SCAAP Policy DS2.

2 The Proposal

- 2.1 The proposal seeks approval to erect a single storey side and front extension on the site of the existing sunken terrace to form a new restaurant (194 internal covers and 40 external covers) and an enlarged entrance to the north side with a new feature canopy. The associated works include installation of a new bin store and enclosed yard area at lower ground in the undercroft area and a small extension at basement level to form a new kitchen under the restaurant. The proposed restaurant will replace the existing 100 seat first floor restaurant at the site which will be converted to a theatre bar area. The internal layout of the building will be reconfigured at ground floor to provide more circulation space, new enclosed roof top plant including an Air Handling Unit (AHU) and digital advertisement displays.
- 2.2 The proposed restaurant extension is a heptagon shape with a diameter of 27.3m. Overall the extension including the new entrance measures a maximum of 35.8m x 32.3m. It reads as single storey from the street with a flat roof 4.6m high, which is partly covered by an enclosed plant room on the northwest side 6.4m high. Over half of the extension's flat roof would be green, planted with sedum. The existing building occupies a footprint of 3110sqm (Ground Floor & Lower Ground Floor combined) with a total Gross Internal Area (GIA) of 5925sqm. The new development will add a total of 915sqm to the total GIA of the venue with a footprint increase of 520sqm or 16%.
- 2.3 The proposal also includes remodelling of the existing restaurant area to the east side including infilling the existing balcony and new external materials, associated landscaping and a commitment to improve the efficiency of on street parking in Westcliff Parade to provide an increased capacity. It is envisaged that 8 additional on street spaces will be provided. These works will be agreed with SBC Highways. Of the site's 62 onsite parking spaces, 4 would be removed to enable a new bin store to be created in the undercroft area leaving a total of 58 off street parking on site spaces in total. The auditorium has a capacity of 1630 patrons, this remains unchanged.
- 2.4 It is also proposed to make some additional alterations to the exterior of the building including changing the brick plinth to exterior grade ceramic tile on the north and south sides of the building. No changes are proposed to the west elevation except for the proposed bin store and cycle store in this location.
- 2.5 The proposed opening hours are 10:00 to 23:00 on Mondays to Sundays including bank holidays.
- 2.6 In support of this application the submitted Design and Access Statement comments that:
- *'The primary purpose of the proposed development isn't to attract more patrons, as the venue is often already near to capacity most of the evenings. Instead, the aim is to improve the experience of the space and thereby increase dwell time, making better use of the facilities and services on offer.*
 - *The new restaurant will increase covers from 100 to 200, all in a new purpose-*

built structure with better views out and a more pleasant, theatrical environment, with a new accessible outdoor terrace area and improved, level access from the ground floor.

- *The new, enlarged entrance and connecting lobby area will allow for much better access into and circulation within, with a dedicated merchandising area, improved bars and concessions, accommodating much larger crowds and still allow people to maintain safe distances in a post covid environment.*
- *The revamped ground floor foyer bar will be able to serve more patrons during intervals with a direct connection to the space of the former restaurant at first floor which will now become a new theatre bar and lounge.*
- *'New WC provisions are made with improved accessibility throughout the new extension and the inclusion of a new dedicated Changing Places compliant adult changing room & WC.*
- *Retaining most of the existing terrace areas (except for the sunken garden) the proposal will make better use of the space without compromising circulation and offer improved external lighting for enhance security and appearance.*
- *A goal for the new development was to improve the overall appearance of the whole building by tying the varied architectural styles of the existing building together and appear more cohesive and considered.'*

3 Relevant Planning History

- 3.1 17/01560/BC3 - Render building - granted
- 3.2 15/01152/BC3 - Install replacement windows to ground floor foyer and first floor pavilion restaurant – granted
- 3.3 12/00579/BC4 - Erect illuminated Menorah annually during the festival of Chanukah – granted
- 3.4 09/00008/BC3 - Alter north west elevation to allow existing lifting equipment to be raised to 9.3 metres high (part retrospective) – granted
- 3.5 07/01805/FUL - Install window to south elevation – granted
- 3.6 03/00625/BC4 - Form new opening and install doors and lifting equipment to north west elevation - granted

4 Representation Summary

Public Consultation

- 4.1 94 neighbouring properties were consulted, a site notices posted and a press notice published. A second consultation was undertaken in relation to amended plans. In total 9 letters of representation have been received from 4 residents for the two consultations raising the following summarised issues:

- Lack of parking and impact on local residents.
- Harm to residential amenity
- Patrons staying longer at the venue will reduce available parking.
- Increased traffic.
- Noise and disturbance from cars late at night and deliveries.

- The existing residents permit scheme does not guarantee a space.
- Damage to private cars.
- Impact on road condition from extra car usage. (San Remo Parade)
- The restaurant will increase the number of people using the venue.
- Loss of private sea views and impacts on property values.
- The existing car parks are insufficient for the needs of the theatre and are nearly always full.
- The transport statistics are misleading.
- The long steps from the seafront discourage users parking on the Esplanade.
- Loss of public space which is popular with children and local residents.
- Design is out of character with the conservation area.
- There is no need for another restaurant in this area it is well served by others.
- Litter and anti-social behaviour.
- Concerns over public consultation.
- The number of shows has increased which makes parking even worse.
- Concerns about illegal parking by patrons of the theatre including using residents parking spaces. Lack of parking enforcement officers in the evenings.
- Concerns that the reorganisation of parking on Westcliff Parade will reduce residents parking in this area.
- Concerns about surface water drainage.
- Construction noise.

1 letter of support has also been received and can be summarised as:

- The proposal is a welcome addition and would benefit the existing theatre.

4.2 Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

Highways

4.3 The applicant has provided a detailed and robust transport statement in support of the application. The applicant has provided 2 traffic modelling scenarios.

1. Modelling demonstrates just the restaurant in use which shows that parking within the area which includes local car parks and seafront is available.
2. Modelling demonstrates with both restaurant and the theatre in use parking is still available within local car parks and the seafront.

It is considered that the increased size of the restaurant will not have a detrimental impact on the surrounding highway network.

The applicant is providing a highway contribution of £10,000 to alter on street parking in Westcliff Parade which would introduce Echelon Parking replacing Parallel Parking. This would help increase parking number on street by 8 spaces as shown on the plan.

The applicant will be required to ensure that disabled parking is catered for with the Cliffs

Pavilion own parking area as well as providing 20% Electric Vehicle Charging points.

Given the above information and that contained within the application there are no highway objections.

[Officer note: the above reference to a highway contribution for proposed echelon parking is subject to the outcome of separate statutory Highways processes and condition 07 of this report is structured accordingly.

Environmental Health

- 4.4 No objections subject to conditions relating to Noise Levels from plant and equipment, exterior lighting to be agreed, refuse and recycling and a Construction Management Plan.

Drainage Engineer

- 4.5 The information provided for the SuDS / Drainage Strategy is deemed sufficient for this stage in line with the Detailed Drainage Design Checklist. However, there are comments and additional information that will need to be addressed and submitted to SBC for review and approval during detailed design prior to construction as part of conditions.

Archaeology Officer

- 4.6 No objections.

London Southend Airport

- 4.7 No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 National Planning Policy Guidance
- 5.3 National Design Guide (2019)
- 5.4 Core Strategy (2007) Policies KP1(Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.5 Development Management Document (2015) policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources) DM3 (Efficient and effective use of land), DM5 (Southend-on-Sea's Historic Environment) and DM15 (Sustainable Transport Management)
- 5.6 Southend Central Area Action Plan policies CS1 Central Seafront Policy Area Development Principles), Policy DS2 (Key Views) and Policy DS3 (Landmarks and Landmark Buildings)
- 5.7 Southend Design & Townscape Guide (2009)

- 5.8 Draft Shorefield Conservation Area Appraisal (2021)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area including the adjacent conservation area, impact on neighbours, traffic and transportation, sustainability and CIL. The proposal is considered to be sufficiently set away from the foreshore nature designation not to raise any ecological implications.

7 Appraisal

Principle of Development

- 7.1 Policy KP1 supports the regeneration and growth of Southend as a successful leisure and tourism destination and the Cliffs Pavilion is a key component of this offer.
- 7.2 Policy CS1, Central Seafront Area Development Principles, seeks to enhance the role of the seafront as a leisure destination and states amongst other things:

'1. The Council through its role in determining planning decisions and other initiatives will:

a. consider favourably proposals which enhance or diversify the range of arts, culture, entertainment, tourism, leisure and recreational facilities, subject to an assessment of the scale, character, location and impact of the proposal on existing facilities and environmental designations, including protected green space;

c. secure high quality and sustainable redevelopment of poor quality, vacant or underused sites and buildings to improve the local townscape, including provision of active ground floor frontages to add to the vibrancy and vitality of the streetscene;

d. ensure that all development proposals affecting all designated and non-designated heritage assets, including Conservation Areas, listed and locally listed buildings, conserve and enhance these buildings and their settings in line with Policy DM5 of the Development Management Document;

h. seek to conserve existing landmarks and landmark buildings and ensure new development respects views to and from them, their setting and character, in line with Policy DS2: Key Views and Policy DS3: Landmarks and Landmark Buildings.

3. The Council will promote the following access and public realm improvements a. emphasise landmarks and landmark buildings (Policy DS3), orientation points, views and vistas, and improve accessibility between the seafront and town centre;

j. upgrade the Cliffs Pavilion outdoor space and improve its connection to the Cliffs;

- 7.3 In relation to the protection of the Borough landmark buildings which includes the Cliffs Pavilion, Policy DS3 states:

'The Council, through its role in determining planning applications, masterplanning, and other initiatives, will seek to conserve landmarks and landmark buildings as identified in Table 2 and Appendix 3 from adverse impact by:

- a. encouraging the provision of open spaces and public realm improvements which provide views to landmarks or landmark buildings or enhance their setting;*
- b. resisting adverse impacts of new development by virtue of excessive height, massing or bulk;*
- c. ensuring development proposals respect views, setting and character.'*

- 7.4 The above policies strongly support proposals which enhance the range of arts, culture, entertainment, tourism, and leisure and recreation facilities within this Policy Area in particular. The proposal will enhance the visitor facilities at the Cliffs Pavilion and is therefore fully in line with policy in this regard.
- 7.5 The proposed extension would result in the loss of outdoor space which is publicly accessible however, unlike the adjacent cliffs, this area is not specifically designated as protected open space and it is poorly used at present especially as the more attractive cliff gardens are directly adjacent to the site. The proposal also includes the re-landscaping of the paved terraces adjacent to the cliff gardens. These areas will serve the new development but will also remain publicly accessible which will help to strengthen the interrelationship between the theatre and the public open space in line with point j in paragraph 7.2 above.
- 7.6 In terms of the impact on the Cliffs Pavilion as a local landmark, the proposal is single storey only so will not materially impact on longer views of the Cliffs Pavilion or diminish its status as a local landmark. Indeed, the proposal aims to refresh parts of the existing building as well as the proposed extension works. The proposal is acceptable policy compliant in this regard.
- 7.7 The principle of this development in this location is therefore supported subject to the detailed considerations set out below.

Design and Impact on the Character of the Area including Shorefield Conservation Area

- 7.8 Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 defines conservation areas as '*areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*'. In determining this application, the Council has a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring special attention to be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.9 Paragraph 126 of the NPPF states '*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.*'
- 7.10 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character of the existing neighbourhood where appropriate and secure urban improvements through quality design. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality,

sustainable, urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.

- 7.11 Policy DM1 of the Development Management Document advocates the need for the Council to support proposals that add to the overall quality of an area, respect the character of the site, its local context and surroundings giving appropriate weight to the protection of heritage assets.
- 7.12 Policy DM5 of the Development Management Document seeks to protect the special character of the Borough's Conservation Areas.
- 7.13 The existing building is in a prominent location on the cliff top and is recognised as a local landmark. It dates from the mid C20 and has some attractive design features including the distinctive mosaic tiling, the zig zag roof profile to the auditorium, the flying butterfly roof to the fly tower and the more recent glazed 1990s modernist maritime-inspired extension on the south side which all contribute positively to its character. There are, however, some elements of the building which are tired and poorly detailed together with elements of ad hoc elevational repair over the years which detract from its character. These include the current entrance which is very narrow and has a canopy with basic felt roof which lacks prominence in the streetscene and the detailing of the 2 storey projection to the east side which has poor quality UPVC cladding. These aspects are considered to have a negative impact on its character.
- 7.14 The building is set in an exposed location on the cliff top overlooking the estuary and adjacent to the cliff gardens. This location provides significant opportunities for the site in terms of outlook but means that the building is very exposed on all sides. The original building failed to make the best of this aspect but the 1990s extension on the south side of the building gave the theatre a positive outlook and renewed frontage on the south side. This has worked well for both patrons and in terms of providing positive views of the building from the south. The east side of the building, which has an outlook across the cliff gardens to the pier, has not taken full advantage of this setting. The building has limited outlook to this side from the lower ground Maritime Room and the existing dining area at first floor but at ground level most of the space on this side of the building is taken up by the outdoor sunken terrace area which is below ground level and does not take advantage of the sea views. This area is all paved with only a few seats and a small pond adjacent to the building. It is very underused and does not enhance the setting of the building, particularly when viewed from the conservation area to the northeast.
- 7.15 The footprint of the extension covers the entire sunken terrace and links with the main building to the west and south. It is quite extensive in area but is not significant or disproportionate in relation to the main building and, as a single storey addition, it would not dominate or appear out of scale with the existing theatre. It is also noted that the height of the proposal will sit below the existing two storey projection on this side, ensuring a positive transition in scale between the existing building and proposed extension. The scale and form of the addition is therefore considered to be acceptable.
- 7.16 The proposed new restaurant is flat roofed with a heptagonal form which responds well to the shape of the space and the more modernist design of the theatre. The proposal includes extensive glazing and a well detailed edge to the roof to lighten its impact in the streetscene and provide an active frontage on all sides. The plant room on top is cut into

the roof to reduce its impact and is fully enclosed with louvres to screen the equipment from public views including from the adjacent conservation area. This extension is linked to the existing building by two remodelled entrances. The main entrance to the north side replaces the existing, rather basic, narrow entrance with a more generous space including feature canopy which provides a positive link between the main tower of the theatre and the new restaurant. The canopy is detailed with cut outs and projecting signage to further highlight the entrance and provide interest in the streetscene. A similar, but smaller, arrangement is proposed to the secondary entrance to the building to the south-east side of the ground floor. These entrances are joined internally by a more generous foyer space which has a large decorative glazed roof light as its focal point which will help to make this internal area more welcoming.

- 7.17 The proposal also includes some alterations to the existing elevations including the remodelling of the first-floor projection to the east side which houses the existing dining area. The upvc cladding in this location will be replaced with new full height glazing enclosing the existing terrace to create a curved form which references the curve and glazing arrangement of the adjacent 1990s extension to the south of the building. This element of the proposal will stitch together all parts of the building resulting in a more cohesive frontage facing the estuary and conservation area.
- 7.18 It is also proposed to reclad the existing brick plinth to the north and south elevations with ceramic tiles to give the building a more consistent palette and to refresh the existing frontage of the building to Station Road linking it in with the new entrance arrangement. A new refuse store proposed in the undercroft area to the rear will have very limited impact and an extension at lower ground to form a new kitchen will not be visible externally. Internally, the ancillary spaces of the theatre will be re-planned including enlargement of the main circulation spaces and conversion of the existing dining area at first floor to a theatre bar.
- 7.19 Details have also been provided for external lighting which include accent lighting to key features of the existing building and proposed extensions and bollard lighting around the building. These proposals complement the refurbishment works, are appropriate for the type of venue and would have an acceptable impact on the character of the area including the setting of the adjacent conservation area. The lighting scheme includes 3 new digital displays on the north side of the proposed extension facing Station Road. The plans note that these will have adaptive brightness to limit light pollution. Given the use of the building and the existing large poster cases in this location it is considered that these advertisements are appropriate to the context and would have an acceptable impact on the character of the building and setting of the adjacent conservation area, provided they are only used to showcase events at the theatre and not for general advertising. This can be controlled by condition.
- 7.20 Overall, it is considered that the proposed extensions and alterations will be positive for the building and will transform areas which are currently underused or poorly detailed with a positive design. The proposal will also bring greater activity and interest to the street elevation and northeast corner facing the conservation area including a more prominent main entrance and provide an improved visitor experience internally. The proposal would therefore meet the requirement to ensure that the character of the conservation area, including development within its setting, is preserved or enhanced.
- 7.21 Therefore, subject to the agreement of suitably high-quality materials and detailing of key features, signage, lighting and landscaping works, the proposal would have an

acceptable impact on the character of the existing building, the setting of the adjacent conservation area and the area more widely and is acceptable and policy compliant in relation to design and character matters.

Impact on Residential Amenity

- 7.22 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”

Physical Impact of the Proposed Extension

- 7.23 The site is set on its own on the Clifftop. The proposed extension is located on the eastern side of the existing building and is single storey only with a general height of 4.6m rising to 6.4m for the plant room section. The closest neighbour is on the other side of Westcliff Parade over 20m from the proposed extension. It is therefore considered that the proposal would have a satisfactory impact on privacy, overlooking, outlook including sense of enclosure, daylight and sunlight for neighbouring properties.

Impact on neighbours from new exterior lighting

- 7.24 A lighting strategy has been included with the application which includes accent lighting for the building, bollards and digital displays. Some limited information has been submitted in relation to luminance and spread of light. The Council's Environmental Health Officer advises that further details are required by condition to ensure that this does not cause a nuisance to neighbours. Subject to this condition the proposal is acceptable and policy compliant in this regard.

Noise and Disturbance from Customers and Associated Plant

- 7.25 The Design and Access Statement comments that the proposal is not intended to increase the number of customers to the site, rather, its primary objective is to improve the customer experience by offering them a greater range of facilities so that they stay longer at the venue. The wider entrance and larger circulation space will also help to reduce the bottle neck which currently occurs at the rather narrow main entrance during show entrance and exit times and the additional facilities should discourage patrons from all trying to leave at the same time, reducing the noise and disturbance at peak periods. Given that the auditorium is unchanged and is often at capacity, it is considered that during the evening when the shows are playing, the level of noise and disturbance at the site will not be significantly greater than the existing situation and may in fact be lessened by the proposals.
- 7.26 Whilst the proposal is primarily to help maintain existing theatre customers there will be some customers who visit the new restaurant who do not attend a show. It is most likely that these will be outside the start and finish times of the shows and is not likely to significantly increase noise and disturbance around the site subject to a condition controlling the opening hours of the new restaurant and the hours of use for the proposed restaurant terrace.
- 7.27 The new restaurant will require new extraction and air handling plant. This will be confined to a specially designed enclosed plant room on the roof of the extension. A

noise report has been submitted with the proposal which proposes that noise limits of 10dB(A) below background levels are applied to the boundaries of the nearest properties in Station Road/Westcliff Parade and San Remo Parade so that, as the design progresses, these targets are maintained. A post completion noise report will be submitted to demonstrate this target has been met in due course. This approach has been agreed with the Council's Environmental Health Officer and can be controlled by condition. A condition can also control the hours of deliveries and collections for the proposed restaurant. Conditions are also proposed for hours of construction.

- 7.28 Subject to the conditions noted above, it is considered that the proposal would have an acceptable impact on the amenities of neighbours and the proposal is acceptable and policy compliant in this regard.

Traffic and Transportation Issues

- 7.29 Policy DM15 expresses non-residential parking standards as a maximum, which in this location, is a maximum of 1 space per 6sqm for new restaurants in the central area. The proposed new restaurant is some 655 sqm (including indoor and outdoor dining areas and kitchen) but replaces the existing restaurant which is 290sqm. The total increase in GIA at the site arising from this development is 915sqm which includes circulation space for the existing theatre. The proposal will increase the dining capacity at the site from approximately 100 to approximately 200 and create a new theatre bar area in the former dining at first floor. The Design and Access Statement states that the proposal is primarily seeking to enhance the customer experience rather than create an additional venue at the site and it is envisaged that patrons will stay longer at the site. Parking policy in relation to theatres is based on number of seats, which is unchanged in this case, so there is no requirement for additional parking for the internal alterations to the existing building and its additional circulation space.
- 7.30 The existing site has 62 off street car parking spaces, 46 to the south west corner of the site partly under the building and 16 on the service road to the north. 4 spaces under the building would be removed to enable the creation of a new bin store reducing the on-site parking to 58 spaces. The site is located close to two large public car parks at Shorefield Road (capacity 126 spaces) and Western Esplanade (capacity 494 spaces). The site is also within walking distance of Westcliff and Southend's 2 railway stations and close to bus routes.
- 7.32 A Transport Assessment has been submitted with the application. This concludes:
- Patrons would typically arrive 60-90 minutes earlier for pre show dining which is around 6pm and 12.30pm which is outside peak hours.
 - These patrons would be parked for an additional 90 minutes
 - It is predicted that 70% of these patrons can be accommodated in the existing car park with only 26 diners using Shorefield Road Car Park. Consequently the proposal would not have a severe impact on the capacity of off site car parks on show days.
 - On non-show days the existing on site customer car parking will be available for diners - this accommodates around 57% of the maximum policy requirement for a restaurant use but the statement notes that a 234 cover restaurant would require significantly less parking than a 1630 seat theatre so the displaced parking into the surrounding car parks will be much less than during a performance. It therefore

concludes that there is sufficient public parking to accommodate the opening of the restaurant outside of performance times.

- The expansion of the waste storage room and the addition of the store yard enclosure will only have a small impact on the number of parking spaces under the building as they largely utilise un-used space but will greatly improve the functionality of the spaces.

7.33 The Transport Statement also makes a commitment to work with the Council to improve the off street parking on Westcliff Parade by converting it from parallel parking to echelon parking. This would involve proposed new white lining and the amendment of the Traffic Regulation Order. It is envisaged that this will create an additional 8 spaces. The details of this have yet to be finalised however this commitment can in this instance be secured by a Grampian style condition. This approach is supported by the applicant plus the Council's Highways Officer who has confirmed that the number of residents' parking bays in this location will not be reduced.

7.34 Whilst the loss of off street parking is considered to be a negative aspect of the proposal, the site is in a sustainable location close to large public car parks and public transport links and the reduction is proportionately small (6.5 %). The Transport Statement has demonstrated that the impact of the new restaurant on the parking requirements of the venue would not be significant and that there is capacity in local car parks to accommodate this. The Council's Highways Officer has not raised any concerns in relation to the small loss of parking provision at the site subject to the proposal committing to improving the efficiency of the on street parking arrangement. He has also confirmed that there is generally spare capacity within the public car parks in this location and has not raised any traffic or highway safety-based objections. The NPPF advises that developments should only be refused on highway grounds if there is an unacceptable impact on highway safety or the residual cumulative impacts are severe. No such concerns have been identified in the assessment of this proposal.

Therefore, subject to conditions described above there are no objections to the proposal in these regards.

Cycle Parking

7.35 Policy DM15 requires that new restaurants provide 1 cycle space per 100sqm for staff and 1 cycle space per 100sqm for customers. Public cycle parking is currently provided at Western Esplanade to the south and at Westcliff and Southend Victoria and Central Stations but there is no cycle parking on site for staff or customers.

7.36 The submitted plans show indicative locations for both staff and customer cycle parking in line with the policy requirement for restaurants. This equates to 6 spaces for each and full details of this can be secure by condition. The proposal is therefore acceptable and policy compliant in this regard subject to this condition.

Pedestrian Accessibility

7.37 The proposals will significantly improve the internal circulation space and (Disability Discrimination Act) DDA access to the building and this is a positive which, as a public benefit, should be afforded due weight in the balance of material considerations. There will be less space around the building for pedestrians to gather however the submitted information includes a fire strategy which demonstrates evacuation routes and safe

refuges can still be accommodated. The details of this will be formally agreed under Building Regulations.

Servicing including Refuse and Recycling storage and collections and Deliveries

- 7.38 The existing loading area off San Remo Parade will be retained as it is currently and will be used to service the new restaurant in addition to the existing facilities. The Transport Statement comments that '*The expansion of the restaurant will likely increase the volume of deliveries to the Theatre but this is not anticipated to increase the number of vehicle trips. This is because the existing delivery vehicles will carry more goods during each delivery rather than increasing the number of deliveries*' This arrangement is considered acceptable and a condition can be imposed to ensure that deliveries and collections to the site in relation to the new facilities are not made at unsociable hours.
- 7.39 A new refuse and recycling store is proposed in the undercroft area to the southwest of the site to improve waste and recycling at the site and to accommodate the needs of the improved restaurant. No details of this have been provided but this appears to be a reasonable size and location and design details can be agreed by condition.
- 7.40 A waste management statement has been submitted with the application. This provides an outline of the items which need to be considered in a full waste management plan but is not a complete plan. That can be required by condition. Subject to these conditions it is considered that the proposal is acceptable and policy compliant in terms of waste management and storage.

Construction Management Plan

- 7.41 Given the tight nature of the site and proximity of neighbours, it is considered that a construction management plan will be required for this development. A plan has been submitted with the application which shows the phasing of the development and the location of the contractors' compound at each stage It, does not include any information about the construction operations in relation to deliveries, dust control and minimising the impact of construction works on local residents but this can reasonably be dealt with as a pre commencement condition. The principle of this has been agreed with the agent.

Impact on Trees During Construction

- 7.42 The phasing plan shows that a site contractors' set up area will be located in the cliff gardens adjacent to the east side of the proposed restaurant which is very close to a row of mature trees. It will be important to ensure that the construction of the development does not harm these trees and protective fencing will be needed for the duration of the works. The details of the tree protection measures can be agreed via a pre commencement condition. The principle of this has been agreed with the agent.
- 7.43 Subject to the conditions described above, the proposal is therefore acceptable and policy compliant in regard to traffic and transportation issues.

Sustainable Development

- 7.44 Policy KP2 of the Core Strategy requires that "*at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*". Policy DM2 of the Development Management

Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”*. Policy DM2 (iii) further states *‘Where viable and feasible, achieving a BREEAM ‘very good’ rating, and move towards zero carbon by 2019 for all non-residential developments.’*

7.45 In relation to the sustainability of the development the submitted Design and Access Statement comments:

- The proposal is committed to meeting BREEAM very good rating
- The replacement of external finishes to the existing building will improve the thermal performance of the building
- The proposed green roof will improve thermal performance of the building and enhance biodiversity at the site.
- At least 10% of the energy needs of the development will be provided by a solar panel array over new bar area.
- The new restaurant will have more efficient plant with heat recovery system than the existing restaurant it replaces.
- Water efficiencies and waste minimisation at the site generally will be enhanced by the proposal.

7.46 All the above are considered to be benefits of the proposal and are welcomed. The requirement for 10% renewable energy and BREEAM “very good” can be secured by condition.

Sustainable Drainage

7.47 A drainage statement has been submitted with the application. This proposes the following sustainable drainage techniques as part of the development:

- Green roofs to absorb rainwater.
- A geo-cellular attenuation tank to slow discharge of rainwater into the network.

7.48 The Council's Drainage Consultant has reviewed the drainage proposal and has no objection subject to a condition requiring full details to be agreed prior to installation. The proposal is therefore acceptable and policy compliant in this regard.

Slope Stability

7.49 A Slope Stability Statement has been submitted with the application. This concludes that

‘As can be seen from the sections, the new construction is located at a considerable distance away from the slope. Although a formal slope stability assessment has not been carried out, given the distance involved and the proposed pile foundation solution, it does not seem that the proposed development would have any impact the stability of the slope.’

7.50 The drawings confirm that the proposed development is mainly located to the northern side of the existing lower ground floor area including the maritime rooms and back of house facilities which are piled into the cliff. This existing area therefore provides a buffer between the slope and the proposed development. The detailed foundation design will be further considered at the Building Control stage but in terms of planning controls it is

considered that the proposal is acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.51 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 915 sqm, which may equate to a CIL charge of approximately £ 11,719.04 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development which supports the future vitality and viability of culture and tourism in the town is supported by policy. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, setting of the adjacent conservation area and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. There are associated public benefits, including improved access when considered under the provisions of the Disability Discrimination Act, which must be afforded due weight in the balancing exercise. This application is recommended for approval subject to conditions.

9 Recommendation

- 9.1 **MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION 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 LPA. The strategy shall specify the steps and timetable for how formal consideration of the provision of this amended on street parking will be initiated and then progressed in full accordance with the required statutory highway processes operated by the Council as Local Highway Authority including consideration in principle and then, if agreed in principle, any necessary Traffic Regulation Order and its outcomes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

advertising at any time.

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

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

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

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

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

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

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

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

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

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

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

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement;

and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

03 The applicant is advised that separate advertisement consent may be required for the digital displays.

04 The applicant is advised that compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.

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