

Reference:	23/01216/BC4	
Application Type:	Borough Council Regulation 4	
Ward:	Milton	
Proposal:	Erect two storey extension and layout new external landscaped area to east elevation, layout new cycle stores in the undercroft area and alter elevations 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:	Mr Mark Murphy of Southend City Council	
Agent:	Mr Peter Reime of AL3D	
Consultation Expiry:	28.09.2023	
Expiry Date:	20.10.2023	
Case Officer:	Abbie Greenwood	
Plan Nos:	CLIF-AL3-ZZ-00-DR-M-010001 Rev T02 CLIF-AL3-ZZ-00-DR-A-010003 Rev T02 CLIF-AL3-ZZ-00-DR-A-020002 Rev T02 CLIF-AL3-ZZ-01-DR-A-010004 Rev P01 CLIF-AL3-ZZ-01-DR-A-020003 Rev P01 CLIF-AL3-ZZ-B1-DR-A-010002 Rev T02 CLIF-AL3-ZZ-B1-DR-A-020001 Rev T02 CLIF-AL3-ZZ-RF-DR-A-010005 Rev P01 CLIF-AL3-ZZ-RF-DR-A-020004 Rev P01 CLIF-AL3-ZZ-ZZ-DR-A-090001 Rev P01 CLIF-AL3-ZZ-ZZ-DR-A-090002 Rev P01 CLIF-AL3-V2-00-DR-A-030008 CLIF-AL3-ZZ-ZZ-DR-A-050003 Rev T02 CLIF-AL3-ZZ-ZZ-DR-A-050004 Rev T02 CLIF-AL3-ZZ-ZZ-DR-A-050005 Rev T02 CLIF-AL3-ZZ-ZZ-DR-A-050006 Rev T02	

	CLIF-AL3-ZZ-00-DR-A-020002 Rev T02
Additional information:	<p>Design and Access Statement Rev A dated 11.09.23</p> <p>Transport Statement by Glanville reference 001_4200507_DK Issue 3 dated 18.07.23</p> <p>External Plant Noise Assessment by RSK Acoustics reference 2061935-RSKA-RP-001-(02) Rev 02 dated 17.7.23</p> <p>Construction Management and Construction Traffic Management Plan Rev 3 dated 11.07.22</p> <p>Cliffs Pavilion Waste Management Plan dated 12.07.23</p> <p>CLIF-AL3-V2-00-DR-A-030011 Rev T02 (Ground Floor External Hard Landscaping Design)</p> <p>CLIF-REL-V1-RF-DR-M-000001 Rev P01 (Roof Plant Layout)</p> <p>CLIF-REL-V2-XX-DR-E-00312 Rev P01 (External Lighting Layout)</p> <p>Kingfisher Lighting Ecorays Datasheet</p> <p>Ground Floor Drainage Plan CLIF-GC-V1-BR-C-1202 Rev T2</p> <p>Drainage Maintenance Plan</p> <p>Email from agent dated 15.9.23 regarding drainage queries</p> <p>Fire Safety Letter by Osborn Associates dated 20.07.23</p>
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The Cliffs Pavilion is the City's main theatre. It dates from the 1960s and was extended on the south side in the late 1990s. It is a large building which sits on the top of the clifftop at Westcliff at the western end of the cliff gardens. It has a commanding and prominent position on the clifftop facing the estuary and is a local physical and cultural landmark.
- 1.2 To the south and south-east the building is wrapped by the cliff gardens. To the north-east side is a sunken paved terrace with water feature adjacent to the main entrance. This is the site of the proposed extension. This side of the building is enclosed by the building's service road, which provides disabled peoples' and drop off parking, and Station Road and Westcliff Parade beyond. The properties opposite to the north and north-east are residential and fall within the Shorefields Conservation Area. To the west is another residential street San Remo Parade, which is outside the conservation area boundary. There are a few commercial uses in the vicinity of the site, mainly small restaurants to the west and south on Western Esplanade at the bottom of the cliff.
- 1.3 There are 65 off street spaces on the site under and to the south of the building and on the service road including 7 disabled peoples' parking bays and several drop off bays opposite the entrance. The site is also close to two large public car parks in Shorefield Road and Western Esplanade. The surrounding roads also have on street parking but most on street spaces in the surrounding streets are covered by a residents parking scheme.
- 1.4 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 green space but this designation does not cover the sunken terrace site or theatre. The building is recognised as a landmark under SCAAP Policy DS3. The site fronts onto the Seafront Landmark Area Key View as defined by SCAAP Policy DS2. The site is within the setting of Shorefields Conservation Area.

2 The Proposal

- 2.1 The proposal seeks planning permission to:
 - Erect a two storey extension with feature canopy and roof top plant enclosure to the east side of the building to form a new main entrance.
 - Improve the internal layout of the building including the foyer, circulation space and hospitality areas within the building and provide new additional WCs and baby changing facilities.
 - Improve access to and within the building including a new internal lift, accessible bar heights and step free access.
 - Alter the existing elevations including the painting of the lower-level brickwork on the north elevation and new feature signage.
 - Re-landscape the external area to the east of the building to form a new public plaza including new paving, planting, lighting and art.
 - Additional cycle stores in the undercroft area comprising 6 secure staff cycling stores and 8 visitor spaces.
 - Amend parking including below the building (no change in overall number of spaces on the Cliffs Pavilion site) and in Westcliff Parade to increase parking capacity on street by 8 spaces.
- 2.2 The proposed extension would have the same length but be up to 8m wider than the existing entrance and foyer arrangement. The proposed height is a maximum of 8.5m (10m including roof top plant enclosure). Overall, the gross internal area of the building

will change from 5925 sqm to 6249 sqm, a net increase of 324 sqm over 2 floors. The existing restaurant is proposed to increase in capacity from 100 covers to 158 covers to the existing bars and restaurant as set out in the following table:

Area	New Occupancy levels	Existing Occupancy levels	Difference
Existing Main Ground floor Café Bar		88 covers plus standing	
Proposed Main Ground floor Café Bar	84 covers plus standing		Minus 4
Existing Foyer Bar		44 covers plus standing	
Proposed Foyer Bar	68 covers plus standing		Plus 24
Existing First floor restaurant		Approx 100 covers	
Proposed first floor restaurant	146 covers plus standing		Plus 46
Existing First floor mezzanine area		68 covers	
Proposed first floor mezzanine area	80 covers		Plus 12
Existing first floor terrace area to first floor restaurant		Approx 20	
Proposed first floor terrace area to first floor restaurant	0 covers		Minus 20
Note there are no changes to the Lower ground floor areas	N/A	N/A	
Existing layout total occupancy to the areas stated above		320 covers plus standing	
Proposed layout total occupancy to the areas stated above	378 covers plus standing		
			58 covers increase

2.3 In support of these alterations the Design and Access Statement comments:

'This increase in area adds much needed space for the 2200+ attendees of a show to move around safely, particularly in a post covid environment, with space to queue without blocking circulation, better access to WCs and a more open, welcoming environment to visit. The improved access to the first floor areas and the new internal signage and layout will make navigation through the space clearer and easier for all visitors. The enlarged first floor restaurant and bar adds more capacity for an improved pre-show dining experience and the bar element will encourage guests to stay after the show for longer, thereby reducing the post-show surge volumes which can have an impact on local traffic and noise. Overall, WC capacity will be increased, particularly female WCs on all levels, as well as offering more accessible WC facilities and a new, Changing Place facility as part of the access strategy enhancements.'

3 Relevant Planning History

3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
21/01314/BC4	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.	Granted. Not implemented but still extant (approved on 5 th November 2021)
17/01560/BC3	Render building.	Granted
15/01152/BC3	Install replacement windows to ground floor foyer and first floor pavilion restaurant.	Granted
12/00579/BC4	Erect illuminated Menorah annually during the festival of Chanukah.	Granted
09/00008/BC3	Alter northwest elevation to allow existing lifting equipment to be raised to 9.3 metres high (part retrospective).	Granted
07/01805/FUL	Install window to south elevation.	Granted
03/00625/BC4	Form new opening and install doors and lifting equipment to northwest elevation.	Granted

4 Representation Summary

Public Consultation

- 4.1 One hundred (100) neighbouring properties were notified of the application by letter, a site notice was displayed, and a press notice published. 1 letter of representation has been received supporting the application.

Highways

- 4.2 No objections. 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 hospitality in use which shows that parking within the area which includes local car parks and seafront is available. 2. Modelling demonstrates with both hospitality 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 hospitality provision at the site will not have a detrimental impact on the surrounding highway network.

The applicant is providing a highway contribution of £7,500 towards the amendment of the on-street parking layout in Westcliff Parade which would introduce Echelon Parking replacing parallel parking in this location which would increase parking number on street by 8 spaces.

Environmental Health

- 4.3 No objections provided the noise mitigation measures set out in the submitted noise report are implemented and the use of the outside area for hospitality is not extended beyond what is already allowed for the existing bar area. The proposed external lighting is appropriate for the location. The Construction Management Plan is also acceptable. Conditions are recommended in relation to waste management arrangements and

timings of deliveries and collections.

Lead Local Flood Authority (LLFA)

- 4.4 No objections subject to a condition requiring full drainage details to be agreed.

Essex Fire Service

- 4.5 No objections.

Theatres Trust

- 4.6 No objections. The Cliffs Pavilion is an important regional theatre. This proposal will further expand and enhance the venue's front of house provision, improve orientation and accessibility and encourage longer stays at the venue enhancing the potential for income generation to help sustain the venue and its cultural offer for the city. It allows for operational benefits too, because the removal of the large ticket office enables a new back of house corridor providing better access between front and back of house. Overall, the scheme is supported.

London Southend Airport

- 4.7 No objections.

Milton Conservation Society

- 4.8 Milton Conservation Society support this application, in particular the amended design and the retention of a flexible open space as part of the proposal.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007) Policies KP1(Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.4 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)
- 5.5 Southend Central Area Action Plan (SCAAP) (2018) Policies CS1 Central Seafront Policy Area Development Principles), DS2 (Key Views) and DS3 (Landmarks and Landmark Buildings)
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5.10 Shorefields Conservation Area Appraisal (2021)

6 Planning Considerations

6.1 The main considerations in relation to this application include the principle of the development, impact on heritage, the design and impact on the character and appearance of the area, the impact on residential amenity, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage and CIL liability. Due weight has been given to the basis of decision for the extant 2021 planning permission 21/01314/BC4 in the assessment of this current proposal.

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 Paragraph 194 of the SCAAP states “The Cliffs Pavilion on the western edge of the Central Seafront Policy Area is another major visitor destination and is an important cultural asset which should be enhanced where possible to develop further the visitor offer.”

7.3 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;

7.4 In relation to the protection of the City landmark buildings which includes the Cliffs Pavilion, Policy DS3 states:

‘The Council, through its role in determining planning applications, master planning, 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.'*

- 7.5 The above policies strongly support proposals which enhance the arts, culture, entertainment, tourism, and leisure and recreation facilities particularly within this Policy Area. The proposal will improve the visitor facilities at the Cliffs Pavilion and is therefore fully in line with policy in this regard.
- 7.6 The proposal includes the remodelling of the outside plaza area to make it more user friendly and therefore specifically meets the aims of Policy CS1 3j above.
- 7.7 The proposal 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 new entrance extension works. The proposal is therefore compliant with Policy DS3.
- 7.8 The principle of this development is therefore supported subject to the detailed considerations set out below.

Design and Impact on the Character of the Area including the adjacent Shorefields Conservation Area

- 7.9 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.
- 7.10 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.11 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved. Policy DM5 of the Development Management Document seeks to protect the special character of the City's Conservation Areas.
- 7.12 The existing building is a well-known local landmark in a prominent location on the cliffs. It dates from the mid C20 and has some attractive modernist design features including the zig zag roof profile to the auditorium and the distinctive butterfly (i.e. V-shaped) roof to the fly tower and decorative mosaic tiling. A glazed extension was added to the south elevation in the 1990s which has given the building a more active frontage facing the estuary and has contributed positively to its character. There are, however, some elements of the building which are constrained and get very congested during busy

times, are tired in appearance or have been altered with poor detailing and materials which detract from the character and the useability of the building. These include the current entrance which is long and narrow and creates a bottle neck during busy times and which lacks legibility in the streetscene, the constrained foyer and the detailing of the 2 storey projection to the east side which in the past was reclad in UPVC. These aspects are considered to have a negative impact on the building's character and the setting of the adjacent Shorefields Conservation Area.

- 7.13 To the east side of the building is a large hardsurfaced open space which sits above the lower ground level of the building and has a large sunken section and water feature. Whilst this provides some enclosure to the space it means that the area looks inwards and does not make the best use of its south-easterly position overlooking the estuary. The space has some small areas of planting and a few benches but has a rather dated appearance and is often devoid of activity. In its present form this area does not make a positive contribution to the setting of the building, the cliffs or adjacent conservation area and is specifically identified in the SCAAP as being a location in need of a new/improved open space.
- 7.14 The primary focus of the proposal is to provide a new, more-useable entrance for the theatre which improves both the internal and external circulation space making it more legible and accessible and to provide a focal point for the east elevation of the building. The design achieves this by remodelling the restaurant projection at the south-east corner by infilling the curved section at first floor to reference the adjacent 1990s extension and by extending the lines of this round until it meets the northern building line. Double doors and a double internal space will provide a more fitting arrival space for this scale of public building and a feature rain canopy will link this to the drop off point in the service road. The exterior of the building will be detailed in white aluminium curtain glazing with brise soleil detailing and white render to match the 1990s extension giving the building a more recognisable and cohesive character to the more public sides of the building and a visible feature entrance to the street. To ensure that it integrates with the 1960s building the proposal includes new feature signage across both elements and a continuation of the white colour palette into the lower section of the northern elevation and a fly tower roof helping to tie the two elements of the building together.
- 7.15 In addition to the improved entrance and foyer space the extension includes dedicated concessions and merchandising areas, remodelling and modest enlargement of the ground floor foyer bar and first floor restaurant, additional toilet and back of house/ancillary facilities and a second internal customer lift. The new plant for the relocated restaurant kitchen will be located on the roof within an acoustic enclosure set back from the front to minimise its impact.
- 7.16 The remodelled plaza to the east side of the building will be marginally smaller than the existing arrangement but will be raised and relandscaped to take advantage of the estuary aspect and make the area more useable and attractive generally. This includes new paving, planting to the street boundary, lighting and focal points provided by the relocated statue and seasonal installation of the Menorah light feature. The plaza will be further animated by outside seating for the foyer bar during fine weather and the new planter to the northern boundary will provide a buffer to the conservation area and road.
- 7.17 Overall, it is considered that the design is well scaled and well detailed and will give the theatre a more cohesive and distinct character as well as an improved customer experience. The extension and associated landscaping will also enhance the streetscenes of Station Road and Westcliff Parade and the setting of the adjacent Shorefields Conservation Area and will give the theatre a new lease of life, helping to safeguard its future viability which is important for the City and the wider region. The proposal is therefore considered to be acceptable and policy compliant in all design and

heritage regards subject to the agreement of materials, key details and landscaping which can be secured by conditions.

Amenity Impacts

- 7.18 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

Physical Impact of the Proposed Extension

- 7.19 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 two storeys only with a general height of 8.5m rising to 10m for the plant room section which is set back against the tower. The closest neighbour is on the other side of Westcliff Parade some 50m from the proposed extension. It is therefore considered that the proposal would not have any adverse impact on privacy, overlooking, outlook, sense of enclosure or daylight and sunlight for neighbouring properties.

Impact on neighbours from new exterior lighting

- 7.20 The landscaping scheme and external lighting plan proposes new lighting in the plaza comprising 4 tall street lamps around the feature artwork and low level bollard lighting on the perimeter of the space. Feature LED lighting is also proposed on the underside of the new canopy. New signage will also be lit and uplighting is proposed to the butterfly roof on the tower. Environmental Health comment that this lighting scheme is appropriate for the location and have raised no concerns in relation to neighbour amenity. The proposal is therefore acceptable and policy compliant in this regard.

Noise and Disturbance from Customers and Associated Plant

- 7.21 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 better experience and improved facilities so that they stay longer at the venue. The new, more-spacious entrance and larger circulation space will help to reduce the bottle neck which currently occurs at the rather narrow main entrance during show start and finish times and the additional facilities should discourage patrons from all trying to arrive/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 proposal.
- 7.22 Whilst the proposal is primarily to improve the visitor experience for the existing theatre customers there will be some customers who visit the venue 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 terrace for outside eating and drinking. In the approved 2021 proposal for a new larger restaurant the use of the terrace was found to be acceptable provided it was restricted to between 09:00 and 22:00. A similar condition is considered appropriate in this case.

- 7.23 The remodelled restaurant kitchen will require new extraction and air handling plant. The development is required to ensure that any noise arising from this plant is at least 10dB(A) below background levels at the boundaries of the nearest noise sensitive properties. To meet this requirement, the submitted noise report recommends the installation of an acoustic louvered plant enclosure around the new air handling units on the roof of the extension. Environmental Health are satisfied that this would be acceptable in this instance subject to confirmation via post completion noise testing which can be required 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. Overall, it is considered that the proposal would have less noise potential than the previously approved 200 cover restaurant (reference 21/01314/BC4) which was found to have an acceptable impact on neighbour amenity in all relevant regards.
- 7.24 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

- 7.25 The NPPF states (paragraph 111) that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.'*
- 7.26 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Maximum parking standards are set out in relation to the proposed uses.
- 7.27 Policy DM15 expresses non-residential parking standards as a maximum, which in this location, is a maximum of 1 space per 5 seats for theatres and a maximum of 1 space per 6sqm for new restaurants in the central area.
- 7.28 The capacity of the theatre is not changing. The net increase in internal space is 324 sqm most of which is proposed within the new foyer area. The increase in the footprint of the building is 165sqm but around half of the extension will be improved circulation space and ancillary uses. The net increase in restaurant and bar areas is 87sqm. This would equate to a maximum increase in parking requirements of up to 15 spaces.
- 7.29 A Transport Assessment has been submitted with the application. This concludes:
- *'The existing restaurant has 100 covers and it is proposed to increase the size to 150 covers (129 within the bar/restaurant and 21 within a new foyer bar), a net increase of up to 50 covers. A new ground floor lobby bar will also be provided.*
 - *The site is within walking distance of existing bus stops and three mainline railway stations. There is on-site parking and off-site public pay and display car parks within a short walk of the site.*
 - *The restaurant will typically be used for pre-show meals and consequently, the diners will already be travelling to the theatre but will be removed from the theatre's peak arrival time. Consequently, the impact of the additional covers will be negligible.*
 - *If the restaurant becomes a destination restaurant, the total trip generation would be significantly less than when the theatre is in operation. The trips would also be spread over a greater time period, whilst a large number of vehicles would already be on the*

highway network. It is therefore considered that the impact associated with a destination restaurant would be small.

- *The trip generation indicates that the existing parking provision would be acceptable for both the pre-show meals and if the restaurant becomes a destination establishment.'*

- 7.30 The existing site has 65 off street car parking spaces, 49 to the south west corner of the site partly under the building and 16 on the service road to the north. There is no capacity to increase on site car parking or in the service road however the site is well served by public car parking including 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.
- 7.31 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 and is consistent with the same approach taken for the approved 2021 development. 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.
- 7.32 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. The Council's Highways Officer is satisfied that, subject to the proposal providing a contribution to the Council's parking scheme in Westcliff Parade, the proposal will not have a detrimental impact on parking or traffic in the local area and the proposal is acceptable and policy compliant in this regard. Indeed, the proposal would have less parking and highways impact than the previously approved 200 cover restaurant (reference 21/01314/BC4) which was found to have an acceptable impact on traffic and transportation in all relevant regards. Therefore, subject to the conditions described above there are no objections to the proposal in these regards.

Cycle Parking

- 7.33 Policy DM15 requires that new restaurants and bars 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. The increase in floor area of the building is 324 sqm. There is no change to the capacity of the theatre itself. Most of this new floorspace is circulation space and an increase in bar and restaurant covers of 58. The maximum requirement for cycle parking, assuming 300sqm of additional bar and restaurant space, which is an over estimation, would be 3 spaces for visitors and 3 spaces for staff. The submitted plans include 6 new cycle parking lockers for staff and 8 new cycle parking spaces for visitors to the site which exceeds the policy requirement and can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Refuse, Recycling and Servicing

- 7.34 The refuse and recycling storage at the site is unchanged by these proposals. The agent has confirmed that the existing arrangements will serve the needs of the proposed development. This is acceptable in principle but given the increases in the covers of the restaurant and foyer bar it is likely that more frequent collections and servicing may be

needed. Environmental Health have therefore requested that the times of these deliveries and collections are controlled by condition so as not to cause a nuisance for neighbours. Subject to this condition the proposal is acceptable and policy compliant in this regard.

Construction Management Plan

- 7.35 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 Construction Management and Construction Traffic Management Plan has been submitted with the application which shows the phasing of the development and the location of the contractors' compound at each stage, dust control and noise mitigation measures. No objections have been raised to this plan from either Highways or Environmental Health. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to a condition requiring its full implementation.
- 7.36 Subject to the conditions described above, the proposal is therefore acceptable and policy compliant in regard to traffic and transportation issues.

Sustainability

- 7.37 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"* however this is not a policy requirement for extensions to existing buildings.
- 7.38 In relation to the sustainability of the development the submitted Design and Access Statement comments:
- 'As the project is only an extension of less than 10% of the existing floor area, utilising a lot of the existing building fabric and is reliant on existing services that fall outside of the project scope, we will not be able to provide any BREEAM certification however that does not mean we won't be aiming to improve the sustainable profile of the extension and with it the building as a whole as a result.'* To this end the proposal includes PV panels on the roof, more efficient plant, improved thermal efficiency and high levels of solar gain and daylighting.
- 7.39 These benefits are welcomed and the requirement for 10% renewable energy and water efficiency can be secured by condition. In this instance, as the proposal is an extension only which enlarges the ancillary areas of the existing 1960s building, is considered unreasonable to require a BREEAM Very Good rating to be achieved.
- 7.40 Subject to the above conditions, it is considered that the proposal is therefore acceptable and policy compliant in regard to sustainability.

Flooding and Drainage

- 7.41 A drainage plan has been submitted with the application showing the new connections to the existing drainage system. The Lead Local Flood Authority (LLFA) has advised the development is shown to be within an area of surface water flood risk and full detailed information on the detailed drainage scheme will therefore need to be conditioned. The

proposal is therefore acceptable and policy compliant in this regard subject to this condition.

Community Infrastructure Levy (CIL)

- 7.42 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 324 sqm, which may equate to a CIL charge of approximately £4,423.85(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.

Equality and Diversity Issues

- 7.43 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 7.44 The proposals include a new lift and new entrance and will significantly improve DDA (Disability Discrimination Act) access to the building and the internal and external circulation space. This is positive and a public benefit of the proposal which should be afforded due weight in the balance of material considerations. The proposal will not conflict with the Council's Statutory duties under the Equalities Act 2010 (as amended).

Conclusion

- 7.45 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 city 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 Shorefields 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.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall begin no 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 CLIF-AL3-ZZ-00-DR-M-010001 Rev T02, CLIF-AL3-ZZ-00-DR-A-010003 Rev T02, CLIF-AL3-ZZ-00-DR-A-020002 Rev T02, CLIF-AL3-ZZ-01-DR-A-010004 Rev P01, CLIF-AL3-ZZ-01-DR-A-020003 Rev P01, CLIF-AL3-ZZ-B1-DR-A-010002 Rev T02, CLIF-AL3-ZZ-B1-DR-A-020001 Rev T02, CLIF-AL3-ZZ-RF-DR-A-010005 Rev P01, CLIF-AL3-ZZ-RF-DR-A-020004 Rev P01, CLIF-AL3-ZZ-ZZ-DR-A-090001 Rev P01, CLIF-AL3-ZZ-ZZ-DR-A-090002 Rev P01, CLIF-AL3-V2-00-DR-A-030008, CLIF-AL3-ZZ-ZZ-DR-A-050003 Rev T02, CLIF-AL3-ZZ-ZZ-DR-A-050004 Rev T02, CLIF-AL3-ZZ-ZZ-DR-A-050005 Rev T02, CLIF-AL3-ZZ-ZZ-DR-A-050006 Rev T02, CLIF-AL3-ZZ-00-DR-A-020002 Rev T02.

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 and coping, solar shading, windows and doors, entrance canopy and signage, rainwater goods, vents and plant enclosure and any amended finishes to the existing building have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out 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) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5, Policies CS1 and DS3 of the Southend Central Area Action Plan (2018), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Shorefields Conservation Area Appraisal (2021).

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 following key features 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 under the terms of this condition:

- i. All new signage structures to be affixed to the building including poster cases.**
- ii. Details of sun shading including integrated drainage solution and any alterations to the existing curved canopy.**
- iii. Details of parapet roof edge and roof plant enclosure.**
- iv. Details of window reveals and glazed infill panelling arrangement.**

The development shall be carried out in full accordance with the approved details before it is brought into use. The feature entrance canopy shall be carried out in full accordance with drawing reference CLIF-AL3-V2-00-DR-A-030008 or any other details that have been previously 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 including the setting of the

adjacent Shorefields Conservation Area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5, Policies CS1 and DS3 of the Southend Central Area Action Plan (2018), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Shorefields Conservation Area Appraisal (2021).

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 under the terms of this condition. The approved hard landscaping works shall be carried out prior to first use of the development or in accordance with an alternative timetable, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition and the soft landscaping works within the first planting season following the first use of the development. The details submitted shall include, but not be limited to:

- i) Any alterations to balustrading or boundaries or means of enclosure of the site.**
- ii) Hard surfacing materials, bond and extent of paving.**
- iii) Full design details of any associated structures including plinth and statue, raised planter detail, furniture including benches, and fixed outside dining furniture and bins.**
- iv) Details of all new external lighting and illumination at the site including the luminance and spread of light and the design and specification of the light fittings. 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 "PLG05 The brightness of illuminated advertisements."**
- v) 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.**
- vi) 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 under the terms of this condition.

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) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5, Policies CS1 and DS3 of the Southend Central Area Action Plan (2018), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Shorefields Conservation Area Appraisal (2021).

06 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 use 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) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

07 Any replacement or additional sanitary facilities within the development hereby approved shall incorporate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document including water efficient sanitary fittings.

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 the advice in the Southend-on-Sea Design and Townscape Guide (2009).

08 The plaza area hereby approved shall not be used by customers for the purposes of consuming food or drink 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 the 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 Noise and vibration from plant and equipment associated with the development hereby approved including extract ventilation when operating at its maximum speed and output shall be limited to 10 dB(A) below the background noise level which is expressed as a LA90,15minutes at the boundary of the nearest residential property.

The noise mitigation measures as detailed in report 'External Plant Noise Assessment' Report No. 2061935-RSKA-RP-001-(02) dated 17/07/2023 by RSK Acoustics (The Report) shall be implemented by competent persons. Prior to operation a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Planning Authority under the terms of this condition and installed and tested prior to operation.

The mitigation measures must be retained thereafter for the lifetime of the development.

Reason: To protect the amenities of nearby occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 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).

11 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 CLIF-AL3-ZZ-00-DR-A-010001 Rev T02, including the commitment to a contribution of £7,500 to the cost of these works, shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. 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-on-Sea Design and Townscape Guide (2009).

12 The development shall not be brought into first use unless and until the cycle storage facilities are provided in full and made available for use by the staff and customers of the development in accordance with the details shown on drawing number CLIF-AL3-ZZ-B1-DR-A-020001 Rev T02 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The cycle storage facilities shall be permanently retained as such thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with Policy DM15 of The Development Management Document (2015).

13 The development hereby approved shall be carried out in full accordance with the Construction Management and Construction Traffic Management Plan Rev 3 dated 11.07.22. This Plan shall be adhered to throughout the entire construction period unless alternative construction management details have been submitted to and agreed in writing with the Local Planning Authority under the terms of this condition.

Reason: This 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).

14 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 or Public 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).

15 Notwithstanding the details shown on the Ground Floor Drainage Plan CLIF-GC-V1-BR-C-1202 Rev T2 and Drainage Maintenance Plan, 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:

- a. Further details to show how the development will be drained, demonstrating how this follows SuDS principles, such as why below ground storage is being used.**
- b. Calculations must be provided to show the brownfield runoff rate and 50% betterment.**
- c. Calculations be provided to demonstrate how the storage volume of 275m³ has been reached, including evidence to show this has a half-drain time of less than 24 hours. All calculations must use the new climate change allowances of 45%.**
- d. An agreement in principle from Anglian Water to make a new drainage connection, including confirmation of the 2 litres per second flow rate.**
- e. Details be provided on how flood risk will be minimised during the construction phase.**
- f. New floor levels should be set at or higher than the existing building floor levels.**
- g. Details of who will maintain the drainage features and frequencies.**

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 brought into first use.

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

Positive and Proactive Statement

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

Informatives:

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](http://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 will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

03 Asbestos - Prior to any alterations to the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and 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 Waste duty of care.

04 The applicant is advised that Advert Consent may be required for any new signage at the site.