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**SCHEDULE ITEM 5**

<b>TITLE:</b>	<b>11/00538/EXTM DEMOLISH NIGHTCLUB AND TRAINING FACILITIES; ERECT 22,000 SEAT FOOTBALL STADIUM INCLUDING 114 BEDROOM HOTEL, CONFERENCE FLOORSPEACE, PLAYERS HOSTEL, FOOD AND DRINK CONCESSIONS, BARS AND OTHER ANCILLARY FACILITIES; ERECT 67 FLATS WITH BASEMENT PARKING, ERECT RETAIL UNITS (CLASS A1) TOTALLING 16,400 SQ METRES OF FLOORSPEACE OF WHICH AT LEAST 20 PERCENT SHALL BE RESTRICTED TO BULKY/DIY GOODS, ERECT RESTAURANT (CLASS A3) COMPRISING 279 SQ METRES OF FLOORSPEACE, ERECT HEALTH CLUB (CLASS D2) TOTALLING 3205 SQ METRES OF FLOORSPEACE, LAY OUT PARKING AND CYCLE SPACES AND ASSOCIATED LANDSCAPING AND FORM VEHICULAR ACCESSES ONTO EASTERN AVENUE AND FOSSETTS FARM LINK ROAD (APPLICATION TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION FOLLOWING PLANNING PERMISSION 06/01300/FULM GRANTED 30/06/2008)</b>
<b>APPLICANT:</b>	<b>SOUTHEND UNITED FOOTBALL CLUB C/O ROOTS HALL LTD</b>
<b>ZONING:</b>	<b>APPLICATION WITHIN SOUTHEND-ON-SEA BOROUGH</b>
<b>PARISH:</b>	<b>APPLICATION WITHIN SOUTHEND-ON-SEA BOROUGH</b>
<b>WARD:</b>	<b>APPLICATION WITHIN SOUTHEND-ON-SEA BOROUGH</b>

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**PLANNING APPLICATION DETAILS**

1.0 Rochford District Council has received a consultation on a planning application made to Southend-on-Sea Borough Council relating to a planning application to extend the time allowed for commencement of the following development originally approved under planning consent 06/01300/FULM;

- Demolish existing nightclub and training facilities
- Construct nightclub and training facilities
- Construct 22,000 seat football stadium including 114 bedroom hotel, conference floor space, players hostel, food and drink concessions, bars and other ancillary facilities
- Construct 67 flats with basement parking
- Construct retail units (Class A1) totalling 16,400 sq metres of floor space of which at least 20% shall be restricted to bulky/DIY goods

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- Construct restaurant (Class A3) comprising 279 sq metres of floor space
  - Construct health club (Class D2) totalling 3205 sq metres of floor space
  - Lay out parking and cycle spaces and associated landscaping and form vehicular accesses onto Eastern Avenue and Fossetts Farm Link Road.
- 1.1 The original consent for this development was issued by the Secretary of State in line with the Planning Inspectors recommendation for approval following call-in of the application. The decision was dated 30<sup>th</sup> June 2008 and consequently expired on the 30<sup>th</sup> June 2011.
- 1.2 The application relates to land currently occupied by Southend United Football Clubs training pitches and also land within the Fossetts Farm site.
- 1.3 The site is located abutting the Rochford District on land due south of Smithers Chase and forms an elongated strip of land extending southwards from Smithers Chase to border Eastern Avenue which forms the built up residential edge of Southend Borough. The site lies between land forming a recreation ground and garden of remembrance to the west and a scheduled ancient monument and retail site to the east.
- 1.4 The plans for consideration in this application are the same as those considered in the original application 06/01300/FULM.
- 1.5 The proposed football stadium would be sited in the northern most part of the site close to the boundary with Rochford District with the proposed retail parade comprising 15 individual units running along almost the entire length of the eastern site boundary extending southwards of the stadium. The units would vary in size between 5,000 and 10,000 square feet except for 2 larger units, one of which would have a floor area of 16,000 and the other 22,000 square feet. A service road would run to the rear of the retail parade.
- 1.6 The stadium is designed as a bowl structure, sunk into the ground, so that the pitch would be positioned below existing ground level. The highest part of the structure would be the West Stand. The roof of the stadium would run into that of the proposed retail parade to the south, making the development appear as a single connected structure. The western stand of the stadium would incorporate the hotel, conference and other ancillary facilities over 5 floors.
- 1.7 The main pedestrian entrance to the stadium would be via the entrance plaza situated between the south east of the stadium and the northern end of the retail parade. The proposed fast food restaurant and bar would occupy the space around the plaza.

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- 1.8 A large parking area would be sited immediately adjacent the retail block extending close to the western site boundary along which would run a vehicular access serving the stadium and parking area. 5 other parking areas would be provided close to the stadium, 2 of which would directly border Smithers Chase.
- 1.9 The proposed residential flats would be sited close to the eastern stand of the proposed stadium in the north eastern corner of the site. The flats would occupy 2 discrete blocks each detached from the stadium and retail units. The blocks would have between 5 and 7 storeys including the ground floor and would have a curved building form on one side reflective of the stadium design. The materials to be used in the flatted blocks include a large extent of copper cladding to the rear with the inclusion of glazed entrance atriums. The front and side elevations to the blocks would be fenestrated with balconies provided to the front elevation with the use of render and timber cladding to the exterior. Underground parking would be provided to these blocks.
- 1.10 The main site access to the site would be from Eastern Avenue, Southend, via a new junction which would be controlled by traffic lights. A second access is proposed from the new link road which will run eastwards from Sutton Road/Chandlers Way roundabout at the northern part of the Fossetts Farm site.
- 1.11 The original 2006 application was accompanied by an Environmental Statement which has been updated in relation to the current application and is of relevance to the determination of the extension of time application.

**RELEVANT PLANNING HISTORY**

- 2.0 The original application was considered alongside an application made to Rochford District Council on land adjoining the site for related development consisting of training pitches, a car park and a flood attenuation pond. An application to extend the time allowed for commencement of this development was approved by Members at the Development Committee in June 2011.
- 2.1 No changes to the approved plans have been granted since the original consent for the stadium development.
- 2.2 Proposed amendments to the original Section 106 legal agreement to which the 2008 permission was subject were, however, accepted by Southend-on-Sea Borough Council in February 2011 where authority was delegated to the Corporate Director of Enterprise, Tourism and the Environment, Head of Planning and Transport or the Group Manager of Development Control and Building Control to vary the S106 Agreement dated the 25th October 2007 (as varied on 21st April 2008).

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2.3 The variations agreed involved the following;

- Prior to commencement of development, the applicant to submit plans to illustrate how the three sided stadium will be finished and details of noise protection measures to be submitted to and agreed in writing by the Council and for the approved noise protection measures to be completed prior to commencement of the works to the New Stadium or retail park at Fossetts Farm.
- Applicant to covenant to use reasonable endeavours to complete the west stand within 60 months of commencement of the north, south and east stands.

**CONSULTATIONS AND REPRESENTATIONS**

3.0 Southend-on-Sea Borough Council as the determining authority for this application is responsible for carrying out the required consultation and notification.

**MATERIAL PLANNING CONSIDERATIONS**

- 4.0 The development proposed in the current application is identical to that already approved under planning consent 06/01300/FULM. The acceptability of the proposed development has already therefore been considered and deemed acceptable by Southend-on-Sea Borough Council.
- 4.1 It is for Southend-on-Sea Borough Council to consider the acceptability of the proposal to allow the extension of time for the proposed development taking account of any policy or other changes to material planning considerations that have occurred since the approval of the 2006 application.
- 4.2 As the proposed development has already been considered acceptable, unless there have been any policy or other changes to material planning considerations since the consideration of the 2006 application which mean that the proposal is now considered unacceptable, then there would be no reason to refuse consent for the current proposal.

**CONSULTATION RESPONSE RELATING TO THE ORIGINAL 2006 APPLICATION FROM ROCHFORD DISTRICT COUNCIL**

- 4.3 The consultation received by Rochford District Council in relation to the original 2006 application was reported to the Council's Development Committee on 30<sup>th</sup> November 2006 where Members resolved that whilst they were supportive of the proposal they considered that the several points should be addressed in the determination of the application. The following points were forwarded to Southend-on-Sea Borough Council for their

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consideration;

- The traffic generation/congestion through the Rochford District road network, with specific reference to Sutton Road (its full length).
- The impact of the retail element of the scheme on town centres in Rochford District.
- The visual intrusion in terms of both long and short range views.
- Inappropriate soft landscaping buffer to the threshold of the site and the adjacent Green belt.
- Loss of residential amenity to the existing residential properties in Smithers Chase and Templegate Cottages.
- No concerts shall take place within the stadium grounds.
- 25% of electricity used each year shall come from on-site micro-generation and this performance shall be maintained in the approved form while the premises are used for the permitted purpose.  
Informative: Micro-generation of electricity for new-builds via methods such as wind turbines, solar panels and ground heat pumps are being heavily promoted by central government at this time and local authorities are being asked to require renewable sources of electricity as a policy.

4.4 The following informatives were also included in Rochford District Council's consultation response suggested for use in the case of a recommendation for approval;

- The applicant is strongly recommended to consider employing the Building Research Establishment Environmental Assessment Method (BREEAM) scheme or similar.
- The applicants attention is drawn to the fact that during the construction of the proposed development, there is potential for nuisance to occur by way of noise, smoke, smell, etc. It is strongly recommended that steps are taken to prevent such nuisances arising, otherwise formal action may be taken under the Environmental Health legislation. These steps should include:-
  - (1) Ensuring that works of clearance or construction that are likely to generate noise at the boundary of the site are not carried out:
    - (a) outside the hours of 7.00am to 6.00pm Monday to Friday and 7.00am to 2.00pm Saturdays or;
    - (b) on Sundays and Bank Holidays.
- Attention is drawn under the provisions of Circular 21/87 (Development of Contaminated Land) that the responsibility for safe development and secure occupancy rests with the developer and the application has been determined on the basis of the information available to the Local Planning Authority at the date of determination of the application.

**SCHEDULE ITEM 5****COMMENTS ON THE CURRENT PROPOSAL ALREADY FORWARDED TO SOUTHEND-ON-SEA BOROUGH COUNCIL**

4.5 At Rochford District Council's Development Committee in June 2011, Members requested that several matters be raised with Southend-on-Sea Borough Council in relation to the application to extend the time for commencement of the stadium application following consideration of the related renewal application for the training pitch development in the Rochford District.

4.6 The following matters were raised and have already been brought to Southend-on-Sea Borough Council's attention;

1. To need for the Section 106 Agreement which the main stadium development is subject to, to require a mechanism for monies to be made available for the maintenance of the ditches north of the flood attenuation pond.

This is because these ditches which will serve the proposed flood attenuation pond (which itself serves the main stadium) will be reliant on these drainage ditches to the north of the development. They are outside of the application site but may need works undertaken to them and long term maintenance to sustain the required capacity.

2. The need to ensure that the travel plan includes provision for away supporters to be directed to the stadium via the A127 rather than via Sutton Road.

**POTENTIAL IMPACTS FOR ROCHFORD DISTRICT COUNCIL**

4.7 In the paragraphs below the potential impacts of the proposal for Rochford District Council are discussed.

**RETAIL IMPACTS**

4.8 The effect that the proposed retail offer would have on nearby high streets and retail centres is a key issue for Southend Council to assess and is a requirement of national planning policy within PPS 4 and PPS 6.

4.9 No information regarding the retail impact upon the retail shops within Rochford District was submitted with the original application. There is no doubt that shops in Southend are used by Rochford residents. Notwithstanding that Rochford town centre and the airport retail park appear to be surviving reasonably well, it is important to understand the impact that the proposed new retail would have.

**SCHEDULE ITEM 5****LANDSCAPING**

- 4.10 The stadium proposal would be sited on land directly bordering part of the Rochford District which forms part of the Green Belt. The proposal comprises a significant amount of development which would inevitably affect the landscape in this part of Southend and Rochford.
- 4.11 The proposed scheme does include some mitigation in order to reduce its impacts including:-
- sinking the stadium in order to reduce elevation height (blocks will be 5, 6 and 7 storeys in height);
  - restricting height of residential units in keeping with stadium elevation height;
  - design and materials;
  - the preservation of key boundary screening vegetation;
  - the preservation of key mature trees;
  - proposed tree planting along site boundary lines;
  - proposed tree planting surrounding the stadium;
  - proposed tree planting within parking areas; and
  - proposed woodland areas screening south-easterly views
- 4.11 The proposed stadium is designed as a landmark and gateway feature and therefore to some extent it is desirable in planning and urban design terms for the stadium to be visible from certain viewpoints. The proposed mitigation would go some way to ensure that sensitive views of the proposal are screened and the effect on the landscape is minimised.
- 4.12 No change to the Green Belt designation of the adjoining land has occurred since the determination of the original application and the current proposal is for exactly the same form of development as was previously considered acceptable in Green Belt terms.
- 4.13 Whilst there is no fundamental objection in Green Belt terms it is still considered important to ensure that adequate landscaping is provided with the imposition of any conditions/legal agreements which related to the requirement to provide an implement an adequate soft landscaping scheme to soften and mitigate the impact to visual amenity.

**RESIDENTIAL AMENITY**

- 4.14 The proposal has the potential to impact adversely on the amenity of occupants of several residential properties in the Rochford District, in particular those properties on Smithers Chase and Sutton Road and this concern was raised in the 2006 application consultation response.

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- 4.15 However, as the proposal is exactly the same as that which was previously approved and given that there is no identified change in circumstance with regard to proximity of residential properties to the site, it is considered that no fundamental objection to the proposal to renew the consent could now be justified with regard to impact on residential amenity.
- 4.16 In relation to this issue officers recommend that the consultation response includes reference to the need to ensure that all planning conditions and any legal agreement requirements relating to the protection of residential amenity are carried forward if the application is determined favourably.

**HIGHWAY AND TRAFFIC IMPACTS**

- 4.17 As detailed at paragraph 4.6 above, the Council has already highlighted the need for consideration to be given to ensuring that the travel plan includes provision for away supporters to be directed to the stadium via the A127 rather than via Sutton Road.
- 4.18 Given that the proposal is for exactly the same form of development as was previously considered acceptable with regard to highway impacts and that there have been no material changes within the Rochford District which would give rise to materially different highway impacts arising from the proposal, it is not considered necessary to raise any other highway matters in the consultation response.

**FLOOD RISK**

- 4.19 The comments at paragraph 4.6 above have been reported to Southend-on-Sea Borough Council and it is not considered necessary to make any additional comments with regard to this matter.

**CONCLUSION**

- 5.0 The determination of this application rests with Southend-on-Sea Borough Council, but Rochford District Council may present any concerns, issues or comments on the proposal to Southend for inclusion in their decision making in the consultation response.
- 5.1 The proposal is for exactly the same form of development as was previously considered acceptable following consideration by an Inspector and the Secretary of State and there have been no policy or other material changes to how the proposal would impact on the Rochford District to warrant a different view being taken with regard to the overall acceptability of the proposal.
- 5.2 Several matters will however be raised in the consultation response for the decision makers consideration.



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### **RECOMMENDATION**

6.0 It is proposed that the Committee **RESOLVES** to **APPROVE** the inclusion of the following points in the consultation response to Southend-on-Sea Borough Council which are in addition to those matters which have already been highlighted to them detailed at paragraph 4.6 above.

- The impact of the retail element of the scheme on town centres in Rochford District and the local retail centres including the airport retail park should be carefully considered with regard to national planning policy contained within PPS4 and PPS6.
- The visual intrusion of the proposal in terms of both long and short range views should be considered carefully with regard to ensuring that appropriate and effective soft landscaping at the site, particularly at the boundaries is required and implemented. This is considered to be particularly important given that the site directly abuts part of the Rochford District which is designated as Green Belt and has a rural character and appearance.
- Planning conditions and legal agreement requirements that related to protection of residential amenity in the original decision should be carried forward on the new permission if approved in the interests particularly of protecting the amenity of occupants of residential properties in the Rochford District close to the northern boundary of the site.

### **Relevant Development Plan Policies and Proposals**

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development  
Planning Policy Guidance 2 (PPG2): Green Belt  
Planning Policy Statement 4 (PPG 4): Planning For Sustainable Economic Growth  
Planning Policy Statement 6 (PPS6): Planning for Town Centres  
Planning Policy Guidance 13 (PPG13): Transport  
Planning Policy Statement 25 (PPS25): Development and Flood Risk



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For further information please contact Katie Rodgers on (01702) 546366.