



Appeal Decision

Site Visit made on 6 April 2021

by Graham Wyatt BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2021

Appeal Ref: APP/D1590/W/20/3260215

**Land West of Holiday Inn Hotel and North of Eastwoodbury Crescent,
Southend Airport, Southend on Sea, SS2 6GH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Glyn Jones (London Southend Airport Co. Ltd) against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/02066/BC4M, dated 8 November 2019, was refused by notice dated 11 September 2020.
 - The development proposed is described as a "132 bedroom hotel, with associated access, parking, landscaping and servicing".
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Decision

1. The appeal is allowed and planning permission is granted for a 132 bedroom hotel, with associated access, parking, landscaping and servicing at Land West of Holiday Inn Hotel and North of Eastwoodbury Crescent, Southend Airport, Southend on Sea SS2 6GH in accordance with the terms of the application, Ref 19/02066/BC4M, dated 8 November 2019, subject to the conditions on the attached schedule.

Application for Costs

2. An application for costs was made by Mr Glyn Jones (London Southend Airport Co. Ltd) against Southend-on-Sea Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council confirm that a small part of the site is within the administrative area of Rochford District Council (RDC). The officer's development control report states that an application for the same development was submitted to RDC for its determination. However, RDC resolved to devolve powers to Southend-on-Sea Borough Council to deal with the application that was submitted to it for determination. Nevertheless, RDC advertised the appeal in accordance with Article 36 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
4. Since the submission of the appellant's appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and I have taken any subsequent responses into account in reaching my decision.

Main Issue

5. The main issue in this appeal is the effect of the proposed development on parking and highway safety.

Reasons

6. The proposal seeks to erect a six storey, 132 bed hotel building. The site for the development is part of a 250 space staff car park which would be redeveloped, retaining some 190 staff car parking spaces and providing a further 45 spaces for the proposed hotel. Consequently, there would be a loss of 60 of the existing staff car parking spaces as a result of the development.
7. There is no disagreement between the parties that the hotel itself would be provided with adequate parking. From the information that has been presented before me, I find no reason to disagree with that assessment. Crucially, it is the loss of the 60 staff parking spaces that is of concern, along with the 250 spaces that would be unavailable during the construction of the hotel. The Council argue that the appellant has failed to demonstrate that the development would not materially increase traffic and on-street parking in an area that experiences parking stress.
8. The Council refer to some 120 vehicles potentially parking on residential streets whilst staff shift changes occur. However, this figure is based upon all staff arriving in separate cars, and does not take into account those arriving by other modes of transport such as train, bus, cycle, car sharing or those that may live close by and could walk to the site. Indeed, Tables 2.6 and 2.7 of the appellant's Transport Assessment¹ (TA) demonstrate that some employees use public transport, including a larger share of passengers, to access the airport.
9. Furthermore, the appellant's TA reveals that an annual survey of the existing long stay car park at the airport has a surplus of some 358 spaces out of the total 1194 it currently provides. Consequently, it is evident that there is sufficient capacity within existing parking arrangements for those that are displaced by the development and during its construction. Moreover, this does not take into account the recently approved car park at Harp House Roundabout (HHR), which provides an additional 260 spaces and is only 190m from the application.
10. I acknowledge that existing parking at the site should be used for passengers and any potential future growth at the airport. However, it must be recognised that there are genuine opportunities to access the airport and the proposed hotel via means other than the private car, with the site being very well served by public transport. Moreover, the promotion of such sustainable transport options could also reduce travel to the site by car and the hotel would also allow those passengers that have early flights the opportunity to stay over and use public transport instead of driving to the airport. Moreover, although I acknowledge the statements from local residents, from the evidence presented by the Council, it has not been adequately demonstrated that staff employed at the airport are parking on residential streets to a level that would create a nuisance.
11. The Council also refer to the appellant failing to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to ensure that the HHR

¹ Transport Assessment Ref: CCE/Y321/TA-03, October 2019

site is completed with designated staff parking bays. However, for the reasons already rehearsed, the proposed hotel development would be acceptable whether the HHR site was completed or not and has no bearing on the merits of the development before me.

12. In addition, having regard to paragraph 55 of the Framework, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Thus, the monitoring of a travel plan could be secured through the planning condition as suggested by the Council and there is no requirement for the appellant to enter into agreement to achieve a similar aim.
13. Consequently, I am satisfied that the development would provide sufficient car parking spaces for the proposal and that there is sufficient capacity at the airport to accommodate those that may be displaced during the development and once it is completed. It would be in accordance with Policies KP2 and CP3 of the Southend-on-Sea Borough Council Core Strategy, Policies DM3 and DM15 of the Southend-on-Sea Borough Council Development Management Document 2015, Policy T1 of the Rochford District Council Core Strategy, Policies DM30 and DM31 of the Rochford District Council Development Management Plan and paragraph 113 of the Framework.

Other Matters

14. A number of local residents made representations regarding air quality at the airport and its effect on the health of surrounding occupiers. Although I have carefully considered those representations that have expressed a concern regarding air quality, the airport is the subject of monitoring and the appellant has provided evidence² that nitrogen dioxide levels at the site remain below government limits. Moreover, the potential expansion of the airport and its runway, and any increase in flight numbers is not a matter that is before me as part of this appeal.
15. The planning system is concerned with land use in the public interest and as land values and local business operations are a private interest, they are not material to the determination of this appeal. With regard to traffic levels and highway safety in the area, I have not been presented with any substantive evidence that the local road network could not accommodate additional traffic that would be generated by users of the hotel.
16. I note that the Council do not find the external appearance of the proposed hotel objectionable and from the details that have been presented to me, I find no reason to disagree with that assessment. Moreover, matters relating to noisy activities, dust and odour extraction, the buildings acoustic insulation and any external lighting would be the subject of planning conditions, such as those suggested by the Council. Additionally, given its separation distance, there is no evidence that the proposal would affect the living conditions of occupiers of surrounding properties through loss of light, overlooking or outlook.

Conditions

17. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance (PPG). The appellant requests that the time condition for the start of the

² Appendix 2 of appellant's final comments

development be increased from the standard three years to five years. This request is made on the basis that, amongst other things, forecasters are anticipating several years before passenger numbers return to pre-Covid 19 levels and thus, the demand for the hotel may also be delayed for several years.

18. The PPG states that a longer time period may be justified for very complex projects where three years is not long enough to allow all the necessary preparations to be completed before development can start³. While I acknowledge the comments raised by the appellant in relation to passenger numbers, there is nothing before me to suggest that the proposed development is particularly complex. Consequently, I am not persuaded that a five year start date is warranted in this instance.
19. Therefore, in considering the suggested conditions, along with the standard time condition (1), the approved plans (2) should also be specified and the scope of the permission defined (3) to provide certainty. In the interest of the visual amenities of the area it is also necessary to require samples of the materials (4) to be used in the construction of the development to be agreed with the Council, along with tree protection measures (5), soft and hard landscaping (6 & 7) and a signage strategy (9). The proposed substation (8) must also be constructed in accordance with the submitted plans.
20. In the interest of the living conditions of adjoining residential occupiers, a construction management plan (10) must be agreed in writing with the Council, along with details of any dust or fume extraction equipment, air conditioning or refrigeration equipment (12) and external lighting (13) to be installed on the building. Construction (11), delivery (15), and opening hours for non-residents (14) shall also be restricted. Noise rating levels from the use of the building shall be below background noise levels (16) and details of the acoustic insulation of the proposed substation (17) must be agreed with the Council. The proposed refuse area (23) must be provided in accordance with the approved plans before the development is first brought into use.
21. In order to protect the living conditions of adjoining occupiers and future users, both during and post development, a contaminated land assessment (27) must be undertaken and submitted to and agreed with the Council.
22. The development shall not be brought into use until, in the interest of highway safety and sustainable transport measures, the access, servicing and drop-off area, parking spaces (to include disabled spaces) and traffic management signage (18) shall be fully implemented. The proposed cycle storage (19) must also be provided in accordance with the approved plans. A detailed Travel Plan (21), and a Car Parking Management Plan (22) must also be agreed with the Council before the development is brought into use.
23. In the interest of sustainable development and energy efficiency, the development shall achieve a BREEAM⁴ rating of excellent (24). The development will also provide at least 10% of its energy needs via onsite renewable sources and include energy efficiency and other sustainability measures (25) as already agreed with the Council. To prevent flooding, the

³ Paragraph: 027 Reference ID: 21a-027-20140306 Revision date: 06 03 2014

⁴ Building Research Establishment Environmental Assessment Method

development must be carried out in accordance with the approved Drainage Strategy (26) and details to be agreed with the Council.

24. The Council has suggested a condition that requires two of the parking spaces to be fitted with active electric car charging points (20). The appellant does not disagree with this requirement. However, the condition suggested also requires that the remaining parking spaces are 'future proofed' with passive charging points so they can be brought on-line when demand requires. While I acknowledge that electric cars are more commonplace, there is nothing before me to suggest that all 45 spaces within the appeal site will be required to charge electric cars. I therefore find this particular element of the condition unreasonable.

Conclusion

25. Thus, for the reasons given above, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plans: 6126 (00) 001 REV P6, 6126 (20) 000 REV P6, 6126 (20) 001 (1) REV P5, 6126 (20) 002 (1) REV P5, 6126 (20) 100 (1) REV P5, 6126 (20) 101 (1) REV P2, 6126 (20) 102 (1) REV P2, 6126 (20) 103 (1) REV P2, 6126 (20) 104 (1) REV P4, 6126 (20) 300 (1) REV P2, 6126 (20) 301 (1) REV P3, 6126 (20) 400 REV P3, 6126 (20) 401 REV P3, 6126 (20) 402 REV P3, 6126 (20) 403 REV P3, 6126 (20) 500 (1) REV P3, 6126 (20) 501 (1) REV P3, 6126 (20) 502 (1) REV P3, 6126 600 REV P1, 019869-RPS-SI-XX-DR-C-0701 REV P01, 019869-RPS-SI-XX-DRD-0300 REV P01, 019869-RPS-SI-XX-DR-D-0301 REV P01, LSA-TPP161019 REV A, Y321_PL_DR_201 rev F.
3. The development hereby approved shall only be used as a hotel within Use Class C1 and shall not be used for any other purposes including any other purposes within that use class in the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instruments revoking or re-enacting these Orders.
4. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works except demolition and construction up to ground floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration, have been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority. Development shall be carried out solely in full accordance with the approved details before it is first occupied.
5. No works shall take place on site unless and until the tree protection measures identified within the submitted Arboricultural Impact Assessment and Method Statement dated 24th October 2019 prepared by Place Services have been implemented on site and these shall be retained for the duration of the construction works.
6. Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall follow the general principles shown within the approved plan 6126 (20) 002 Rev P5 and shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details. Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree existing or planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the

same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

7. The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority. The hard landscaping scheme shall follow the general principles shown on the approved plan 6126 (20) 002 Rev P5 and shall include details and, where practicable, samples of materials to be used on hard surfacing, elevations and details of materials for cycle stores and boundary treatment of the site, including boundaries within the site.
8. Notwithstanding the information submitted and otherwise hereby approved, the substation hereby approved shall be not be constructed unless it is solely in accordance with details, including details of materials and elevation drawings, which have previously been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority.
9. Prior to the first use of the development hereby approved, a signage strategy shall be implemented in full accordance with details which have previously been submitted to and agreed in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority.
10. No development shall take place, including any works of demolition or excavation, unless and until a Construction Management Plan and Strategy to include a Dust Mitigation Strategy has been submitted to, and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority. The approved Construction Management Plan and Strategy shall be adhered to in full throughout the construction period and shall provide, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control the emission of dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site. vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction. viii) details of the duration and location of any noisy activities and the measures to be implemented to minimise noise impacts.
11. Construction works associated with the approved development on site shall only be undertaken between 7:30 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public/Bank Holidays.
12. No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed on the building hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any noise mitigation measures to be used have been submitted to and approved in writing by Southend-on-Sea

- Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter.
13. No external lighting shall be installed on site unless in accordance with the details of a scheme which has previously been submitted to and agreed in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority. Details to be submitted for approval shall include design, siting, direction and screening of the light sources on site. All lighting shall be retained on site in accordance with the approved scheme for the lifetime of the development.
 14. The premises of the hotel hereby approved shall not be open to non-residents outside the hours of 07:00 am to 11:00 pm on any day.
 15. Deliveries to and refuse and recycling collection from the premises hereby approved shall not take place outside the hours of 7:30 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public/Bank Holidays.
 16. Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the neighbouring noise sensitive premises.
 17. Notwithstanding the information submitted and otherwise hereby approved, the proposed substation shall not be constructed unless and until full details of the acoustic insulation of this building have been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority. The substation shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such thereafter for the lifetime of the development.
 18. The development hereby approved shall not be first used unless and until the access improvement works, the servicing bay and the drop off bay shown on approved plan Y321_PL_DR_201 rev F, the forty five (45) on site car parking spaces, including four (4) spaces for disabled users and the roundabout shown on approved plan 6126 (20) 002 Rev P5 and traffic management signage and pedestrian access improvements, the details of which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority, have been fully implemented at the site solely in accordance with the approved details. The parking spaces, the bays, the access arrangements, traffic management signage and pedestrian access improvements shall be permanently maintained thereafter.
 19. The development shall not be brought into first use unless and until at least 24 secure and covered cycle parking spaces to serve the development have been provided on site and made available for use in line with details previously submitted to and approved in writing by Southend-on-Sea Borough Council as

- the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority. The approved cycle parking spaces shall thereafter be permanently maintained solely for use by users of the development.
20. Prior to the first occupation of the development hereby approved at least two (2) car parking spaces shall have an active electric charging point provided, capable of charging vehicles from the outset and permanently retained thereafter.
 21. The development hereby approved shall not be brought into first use unless and until a Detailed Travel Plan to promote sustainable travel for journeys associated with the proposed development, which shall include, among other requirements, details of parking packs, booking arrangements to be offered to customers, details of parking areas for staff, a communication strategy, which shall include the provision of individual travel packs to engage with customers and employees in order to encourage them to use public transport to access the hotel and implementation, monitoring and review arrangements for the Detailed Travel Plan, has been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority. The Detailed Travel Plan shall be implemented in accordance with the terms set out in the approved details.
 22. The development hereby approved shall not be brought into first use unless and until a Car Parking Management Plan to promote sustainable use of the available car parking spaces associated with the proposed development, which shall include, among other requirements, details of the operation of the car parking facilities e.g. timed use of parking by different users, management and enforcement, and consideration to the Safer Parking Award, has been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority. The Car Parking Management Plan shall be implemented and operated for the lifetime of the approved development in accordance with the terms set out in the approved details.
 23. Prior to the first occupation of the development hereby approved the refuse area shown on the approved plan 6126 (20) 100 (1) REV P5 shall be provided and operated in full accordance with the principles contained within the Design and Access Statement REV F (prepared by Aros Architects and dated December 2019) and the Supporting Planning Statement (prepared by Vantage Planning and dated November 2019) in perpetuity for the lifetime of the hotel.
 24. The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating "Excellent" has been achieved for the development.
 25. Prior to occupation of the development hereby approved the energy efficiency and other sustainability measures to benefit the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be implemented on site in accordance with the agreed details contained within in the submitted Energy Statement RREV 04 (prepared by Hoare Lea and dated 06 November 2019).

26. In accordance with the latest submitted Updated Drainage Strategy (RPS, February 2020, Document Ref: NK019869-HPS-SI-XX-HPDS-301 P01), no construction works other than demolition and excavation works shall take place on site unless and until detailed designs of a surface water drainage scheme incorporating the following measures has been submitted to and agreed in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority and the Lead Local Flood Authorities. The approved scheme shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- a. Information on overland flow routes.
 - b. Evidence of infiltration testing in accordance with BRE 365 to confirm infiltration is not a viable option on this specific site. If infiltration is found to be viable an updated drainage strategy should be submitted along with information in relation to the potential for ground instability or deterioration in groundwater quality as a result of infiltration.
 - c. Details of how the attenuation system connects and drains via the proposed Aquaswirl and Hydrobrake control chambers.
 - d. Evidence of correspondence from Anglian Water for the proposed discharge rate and connection location to the public surface water sewer.
27. (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority.

The report of the findings must include:

- i) A survey of extent, scale and nature of contamination;
- ii) An assessment of the potential risks to:
 - human health;
 - properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land;
 - groundwaters and surface waters,
 - ecological systems;
 - archaeological sites and ancient monuments; and
 - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of Southend-on-Sea Borough Council as the majority Local

Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authorities must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authorities must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority.

(d) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authorities. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by Southend-on-Sea Borough

Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority before the development is brought into use.

~End~