

**SCHEDULE ITEM 5**

**TITLE :** 09/00599/FUL  
APPLICATION TO VARY CONDITIONS NO.5 AND NO.8 TO  
THE EXISTING PLANNING PERMISSION TO ERECT A  
REPLACEMENT AIR TERMINAL WITH INTEGRATED RAIL  
STATION, VISITOR CENTRE, ACCESS ROAD AND  
ASSOCIATED CAR PARKING. (04/00639/REM)  
LONDON SOUTHEND AIRPORT ROCHFORD

**APPLICANT :** LONDON SOUTHEND AIRPORT CO. LTD

**ZONING :** PART METROPOLITAN GREEN BELT,  
PART WHITE LAND

**PARISH:** ROCHFORD

**WARD:** ROCHFORD

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**PLANNING APPLICATION DETAILS**

- 5.1 Planning permission is sought for a variation of two conditions to an approved reserved matters application for a replacement air terminal building, new railway station, visitor centre together with access road and associated car parking under 04/00639/REM.
- 5.2 **Site and Surrounding Area**  
Southend Airport is situated to the southwest of Rochford's town centre. It comprises a complex of existing terminal and assorted support buildings with a main runway running across the site from the north west.
- 5.3 The application site is within operational land located to the south eastern corner of the airport. Immediately to the south, outside of the airport boundary, there is a retail park which contains a number of warehouse style units. To the east the site adjoins the mainline rail link between London Liverpool Street and Southend. To the far side of the railway lines there is an area of open scrubland land and beyond this predominantly two storey housing running along Southend Road.

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### 5.4 The Proposal

The proposal seeks to vary condition 5 of the reserved matters approval which relates to the layout of the car park between the new railway station and passenger terminal building and condition 8 which relates to the provision of a covered pedestrian link between these buildings.

- 5.5 The variations are requested to allow for a revised design to the internal layout of the car park in order to meet current anti terror measures and to allow construction of the pedestrian walk way to be tied in to the operational use of the new terminal building. The revised wording of the conditions being applied for is shown below in bold with the original wording cross through:

#### Proposed Condition 5

'The terminal building, rail station and visitor centre hereby approved shall not be brought into beneficial use before the associated car parking areas shown on the proposed drawing ~~July 2004~~ **P01 K** have been laid out and constructed in their entirety and made available for use. Thereafter, the said car parking areas shall be retained and maintained in their approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.'

#### Proposed Condition 8

Notwithstanding the submitted plans ~~no development shall commence~~ **the Terminal shall not be brought into beneficial use** before details of the pedestrian link between the rail station and the covered walkway to the terminal building ~~have been submitted to and agreed in writing by the Local Planning Authority~~ demonstrating that pedestrian access at these points is convenient and has priority over vehicular movement **as shown on the proposed drawing 09006 P02B have been laid out and constructed in its entirety and made available for use.**

Thereafter the said details shall be retained in the approved form and made available for use.

- 5.6 The plans as originally submitted with this application showed very limited landscaping to the revised car park layout in comparison with to the layout and landscaping details approved under 04/00639/REM. In light of concerns expressed by the Council's officers in his respect further plans were submitted together with a planting schedule and additional drawings that provide information in relation to proposed entrance barriers, fencing and a cycle shelter.
- 5.7 The application as revised was subject to a new round of consultation and notification with neighbours in the usual way.

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- 5.8 In addition to the internal alterations with regard to layout and landscaping, the proposal also includes a very slight change to the footprint of the car parking area, involving a minor realignment of the access road into the site.

**RELEVANT PLANNING HISTORY**

- 5.9 There have been a large number of planning decisions relating development at Southend Airport – those relevant to the current application are set out below:

97/00526/OUT - Erect Replacement Air Terminal With New Integrated Rail Station, Visitor Centre, Access Road and Associated Car Parking  
Approved 19.07.1999

04/00639/REM - Replacement Air Terminal with Integrated Rail Station, Visitor Centre, Access Road and Associated Car Parking. (Reserved Matters Following Outline Approval 97/00526/OUT)  
Approved 16.12.2004

07/01056/FUL - Application to Vary Condition 14 Attached to the Existing Planning Permission to Erect a Replacement Air Terminal with New Intergrated Rail Station, Visitor Centre, Access Road and Associated Car Park (97/00526/OUT)

The application sought approval for the following revised condition:

"Construction of the replacement terminal, new rail station, associated car parks and access roads shall be completed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The replacement terminal building shall not be brought into use before the new rail station, associated car parks and access roads have been completed, thereafter the replacement terminal building shall not be used independently from the rail station, without the prior written consent of the Local Planning Authority" - Approved 12.02.2008"

09/00307/FUL - Retrospective Application to Form Temporary New Access off Southend Road – Approved 23.07.2009

09/00395/PD – Proposed Two Overhead line Gantries to Rail Lines – Permitted development

09/00570/PD – New Control Tower – Permitted development

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**CONSULTATIONS AND REPRESENTATIONS**

**First Round Consultation Representations:**

- 5.10 **Rochford Parish Council:** No objections, but members would like to comment that greatest concern is the access and exit from the Airport once the airport is fully functioning, there are major problems at the moment due to traffic queuing to access the Retail Park
- 5.11 **Go-East:** Advise that they are unable to comment on this, or any other planning application, as it may come before the Secretary of State and they would not wish to prejudice consideration of the planning issues involved
- 5.12 **Essex County Council Highways and Transportation:** Advise that the application has been referred to County Hall
- 5.13 **Network Rail:** Advise that they have no comment to make
- 5.14 **London Southend Airport:** Advise that the application will have no effect upon operations and therefore raise no safeguarding objections
- 5.15 **Chelmsford Borough Council:** No objection
- 5.16 **Natural England:** No objections.
- 5.17 Advise that the development described within the current application represents only relatively minor changes in layout from that which has already been granted permission (04/00639/REM) which has already been assessed as not likely to have any significant effect and that they are satisfied that European and Ramsar and SSSI protected sites will not be harmed by the proposal.
- 5.18 **Rochford District Council (Ecology):** There do not appear to be any ecological issues associated with the variation of conditions.
- 5.19 **Buildings/Technical Support (Engineers):** No objections or observations
- 5.20 **Woodlands Section:** Arboricultural Officer Consultation Response – recommends that the landscaping be in accordance with drawing no.J24131-L001 and the specification attached.
- 5.21 **Maldon DC:** No objections
- 5.22 **Head of Environmental Services:** No adverse comments

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- 5.23 **Environment Agency:** Advise that based upon the information provided they have no objections to the proposed amendments to condition 5 or condition 8.
- 5.24 **Anglian Water:** (Provide the following informative statements (summarised):-
- 5.25 Advise that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development that may affect the layout of the site. They request that the following informative is included in any decision notice should permission be granted.
- 5.26 *"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."*
- 5.27 Advise that the views of Essex and Suffolk water should be sought with regard to water supply network and water resources.
- 5.28 Advise that foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity.
- 5.29 Advise that the development can be accommodated within the public surface water network system which at present has sufficient capacity, at an agreed rate.
- 5.30 Advise that wastewater treatment of the foul drainage from this development will be treated at Southend Sewage Treatment Works that at present has available capacity for these flows.
- 5.31 Advise that the planning application includes employment/commercial use and request that the following informative be included in any decision notice should permission be granted
- 5.32 *'An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.'*
- 5.33 *Anglian Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence*

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- 5.34 *Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact may also constitute an offence under section 111 of the Water Industry Act 1991.'*
- 5.35 **Third Party Response:** Essex Badger Protection Group  
Question if site has been fully surveyed recently as do have badgers in the area and have a sett on the Eastwood side of the development in close proximity to the boundary line
- 5.36 **Neighbours:** 16 letters have been received in response to the first round of public notification.
- 5.37 1 letter supports the application as a good idea proving more jobs.
- 5.38 15 letters object to the application (13 from the occupiers of dwellings within the area surrounding the airport) which in the main make the following points:
- Detrimental impact on nocturnal wildlife and night sky from increased light pollution
  - All lighting should be minimum necessary and proposals for LED up lighting should be rejected
  - Alteration will cause huge disruption on roads that are already heavily congested
  - Adverse impact on property values
  - Concern regarding safety aspect re surrounding residential area and schools
  - Four existing airports more suitable than Rochford within easy reach
  - Detrimental impact on quality of life for residents
  - Observation that Liverpool Street line already runs to capacity and any additional trains would severely impinge on current service causing additional delays
  - Increased air pollution (fumes)
  - Unacceptable impact on existing commuters from use of new station in connection with airport flights.
  - Local road network and infrastructure inadequate to support additional 'holiday ' traffic
  - Will inevitably result in overflow parking in surrounding residential area
  - Proposed expansion of airport and aircraft movements will result in intolerable increase in noise day and night
  - Approval contrary to Council's stated environmental policy of reducing carbon emission and making a greener environment
  - Airport already making good profits
  - Application not in best interest of local community
  - Statement that flight paths will be revised to ensure overhead noise is diminished is disingenuous

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- Support existing level of airport operations, but oppose this development, as will lead to increase in aircraft movements
- Suggestion that access road and car park should be from Rochford side with a walkway over the railway.

**Second Round Consultation Response**

- 5.39 **Buildings/Technical Support Engineers:** No objections/observations
- 5.40 **Essex County Fire and Rescue Service:** Advise that access for Fire Services purposes should be in accordance with the Approved Document B and that more detailed observations will be considered at Building Regulation consultation stage.
- 5.41 Advise with regard to water supplies the applicant is reminded that additional water supplies for fire fighting may be necessary for this development.
- 5.42 **Castle Point BC:** No objection
- 5.43 **Chelmsford Borough Council:** No objection
- 5.44 **Maldon DC:** Advise that they have no further comments to make to the revised drawings and the content of the Council's previous letter still applies
- 5.45 **Basildon DC:** Advise they have no comments to make regarding the application
- 5.46 **Natural England:** Advise that their comments are unchanged from those made in response to the original consultation
- 5.47 **CABE:** Advise that they are unable to review this scheme as they did not comment on the previous application and that in addition they do not comment on applications to vary conditions.
- 5.48 **London Southend Airport:** No safeguarding objections
- 5.49 **Environment Agency:** Advise that it appears that the number of car parking spaces is due to reduce further to a total of 335 and having reviewed the amended plans confirm that they have no objection to the proposal to vary condition 5 and 8 under 04/00639/REM.

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- 5.50 **EEDA:** Advise that provided the highway authority are content that the reduction in car parking spaces will still meet the required levels they have no objection to the variation of condition 5. No objection to the variation of condition 8.
- 5.51 **Essex County Council Highways and Transportation:** No objections
- 5.52 **Neighbours:** 6 letters have been received in response to the second round of public notification.
- 5.53 1 letter supports the application and comments that there have been enough delays already to the new railway station and airport.
- 5.54 5 letters objecting to the application have been received from the occupiers of dwellings within the area surrounding the airport, which in the main make the following points:
- Further development at Southend Airport will increase road congestion, noise pollution and air pollution
  - Will seriously impact on residents living under the flight path
  - Significant impact on property values
  - Increased cost to council tax payers from compensation paid to affected homeowners
  - Increased harmful emissions
  - Increased council tax charges to provide improved infrastructure
  - Comment that proposal is prime example of poor service by Council to residents
  - Questions view that development is acceptable with regard to quality of life
  - View that there is general swell of opinion against expansion of local airports
  - Councillors should have duty of care to interests of local residents rather than commercial organisations.
  - New jobs created will be low-skilled, minimum waged for a few local residents
  - Development will be detrimental to a much larger number of residents



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### **MATERIAL PLANNING CONSIDERATIONS**

**5.55 Principle of Development**

The outline approval under 97/00526/OUT agreed in principle the erection of a replacement air terminal and integrated rail station, a visitor centre, access road and associated car parking. This application included a transport impact assessment, noise impact study, station feasibility study and justification for the siting of part of the proposal within the Green Belt. It was established by this application that there was no conflict with Green Belt policy as set out in Government guidance and within the adopted development plan.

5.56 Under the reserved matters approval 04/00639/REM approval was given for the siting, design and external appearance of the buildings, the means of access thereto together with details of landscaping and lighting.

5.57 Therefore it is only the revised layout of the car parking itself and the principle of allowing a delay of the construction of the cover pedestrian link until work on the main terminal commences that is for consideration within this current application.

**5.58 Revised Layout**

The accompanying design and access statement states that the car park layout approved under 04/00639/REM does not meet current anti terror measures due to the position of the entrance road and set down area immediately adjacent to the terminal building and that the proposed revisions have been produced following discussions with the Department for Transport (DfT) via the Transport Security and Contingencies team (TRANSEC) and National Counter Terrorism Security Office (NaCTSO).

5.59 In addition to amendments aimed at increasing protection against potential acts of terrorism it is also stated that the proposals are designed to improve the security of the car parking area and improve the sustainability of the development, passenger safety and accessibility for all users.

5.60 In terms of physical layout of the car park the main differences between the approved and proposed schemes are the introduction of a substantial buffer area between the terminal and the access road together with the separation of the car parking into two separate areas precluding the ability to drive past the new railway station.

5.61 Other minor amendments included the provision of dedicated disabled parking adjoining the covered pedestrian walkway between the railway station and the terminal building, provision of cycle parking and the introduction of entry/exit barriers to both car parks. The covered pedestrian link between buildings remains in the same position but is slightly reduced in length.

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- 5.62 The existing road access into the site from Rochford Road via a small roundabout that also provides access to the adjacent retail park is unchanged. However there is a very minor realignment proposed to the access road as it approaches the site entrance to allow for vehicles wishing to turn right into car park 1 to wait safely within the centre of the road. In addition a mini-roundabout is introduced abutting the north boundary to site which gives access to the car park 2.
- 5.63 The applicant sets out the main benefits of the amended car parking layout as follows:
- Realignment of the main entrance road providing an increased stand off distance from the terminal building to better meet current anti-terror measures
  - An increase in disabled parking from 12 to 15 spaces and the inclusion of both ramped and stepped access to the pedestrian walk way from the car park
  - The provision of cycle parking which was omitted from the previous scheme
  - A more efficient layout with parking spaces running parallel to the access road
  - Provision of significantly larger parking spaces than usually found in airport car parks
  - A reduction of vehicular access points to the car park to improve security and pedestrian safety
  - Improved and enlarged set down areas
  - Introduction of a roundabout at the north access point to car park 2 to improve traffic flow
  - A reduction in hard/impermeable surfacing and increased landscaped areas.
- 5.64 With regard to alterations to the site entrance this involves a slight increase in the width of the road and resulting change in the curvature of the road but is not thought to have any significant material impact.
- 5.65 It is considered that the amended layout achieves a better pedestrian environment immediately adjacent to the railway station through removal of the car park access road. Furthermore it is considered that revised scheme improves the setting of the new terminal building, allowing for increased soft landscaping and achieves a more straightforward pedestrian link between the two buildings.
- 5.66 In addition the integration of cycle and disabled parking within the car park is considered to be an improvement in comparison with the approved scheme.

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**5.67 Level of Parking Provision**

With regard to the level of parking provision within the site this has been reduced from an overall of 361 spaces to 335, which represents a loss of 26 spaces. The Council's endorsed guidance *Parking Standards: Design and Good Practice 2009* does not include any reference to airports and states that in relation to railway stations the maximum vehicle parking should be considered on individual merit. The minimum cycle provision required for a railway station is 20 spaces per peak period service (minor stations). The powered tow wheel vehicles (PTW) minimum is 1 space per 20 car spaces (for first 100 car spaces and then 1 space per 30 car spaces (over 100 car spaces). The minimum disabled provision for over 200 vehicle bays = 4 bays plus 4% of total capacity.

5.68 At this stage the proposed frequency of rail services is unknown. Moreover it is considered that this guidance with regard to parking provision is not directly applicable to the approved railway station at this location due to its primary purpose in conjunction with the operation of the new airport terminal rather than any requirement to provide general commuter services.

5.69 The revised layout includes 15 disabled spaces and a cycle shelter providing 2 units with triple racks. The approved scheme provided 12 disabled parking spaces and no provision for cycles. Moreover whilst the outline submission 97/0000526/OUT did not stipulate the consideration of any of the details matters, purely the principle of the development, it was accompanied by illustrative plans which shows an agreed level of 188 spaces in the parking area to serve the new development.

**5.70 Timing of Construction of the Pedestrian Walkway**

The variation to condition 8 of the approved scheme also includes provision to delay the construction of the pedestrian canopy linking the railway station and the new terminal until works starts on the latter building.

5.71 In comparison to the original condition which merely required details of the pedestrian link to have been submitted and agreed in writing by the local planning authority it is considered that this variation would provide greater flexibility to allow development of the railway station to proceed whilst at the same time ensuring that the terminal still cannot be brought into beneficial use until the walkway has been constructed.

**CONCLUSION**

5.72 The proposed revisions to the approved internal layout of the car park and pedestrian walkway arise through a requirement to meet current anti terror measures which are set at national governmental level.

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- 5.73 The reduction in overall parking provision arising from the proposed amendment is not considered to have any significantly detrimental impact on either the operation of the airport and new railway station or upon the efficiency and safety of the surrounding road network.
- 5.74 The additional provision for soft landscaping contained within the revised plans is considered to have a beneficial effect with regard to visual amenity through an increased 'greening' of the architectural character of the site.

## RECOMMENDATION

- 5.75 It is proposed that this Committee **RESOLVES** to **APPROVE** the application subject to the following conditions:
- 1 The terminal building, rail station and visitor centre hereby approved shall not be brought into beneficial use before the associated car parking areas shown on the proposed drawing P01 K date stamped 2<sup>nd</sup> December 2009 have been laid out and constructed in their entirety and made available for use. Thereafter, the said car parking areas shall be retained and maintained in their approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.
  - 2 Notwithstanding the submitted plans the Terminal shall not be brought into beneficial use before details of the pedestrian link between the rail station and the covered walkway to the terminal building demonstrating that pedestrian access at these points is convenient and has priority over vehicular movement as shown on the proposed drawing 09006 P02 2<sup>nd</sup> November 2009 have been laid out and constructed in its entirety and made available for use. Thereafter the said details shall be retained in the approved form and made available for use.

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**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Anne Boleyn Drive, Brook Close, Leicester Avenue, Queen Elizabeth Chase, Queensland Avenue, Ravenswood Chase, Rochefort Drive, Sutton Court Drive, Sutton Road, Warners Bridge Chase, Warwick drive, King Henry's Drive, The Ridings, Rochford Hall Close, West Street, Hall Road, Church Walk, Oak Road, St. Andrews Road, Southend Road, Cherry Orchard Lane, Cherry Orchard Way and Aviation way, Rochford: Thornford Gardens and Wells Avenue, Southend-on-Sea.

**Relevant Development Plan Policies and Proposals**

CS1, CS3, CS5, CS6, CS9, HP18, EB6, NR7 of the Rochford District Replacement Local Plan

As saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5<sup>th</sup> June 2009)



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Head of Planning and Transportation

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For further information please contact Judith Adams on (01702) 546366.