

Southend-on-Sea Borough Council

Department of the Chief Executive

John Williams - Director of Democratic & Legal Services

Our ref:

Telephone: **01702 215000**

Your ref:

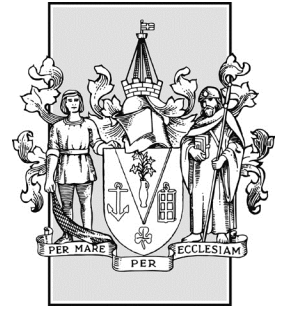
Fax: **01702 215994**

Date: Tim Row

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Contact Name:

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Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 1ST MARCH, 2017

Please find enclosed, for consideration at the meeting of the Development Control Committee taking place on Wednesday, 1st March, 2017, the following report(s) that were unavailable when the agenda was printed.

Agenda No	Item
6.	Supplementary Report (Pages 1 - 10)

Yours faithfully

Tim Row
Principal Committee Officer

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Southend-on-Sea Borough Council

Development Control Committee 1st March 2017

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SUPPLEMENTARY INFORMATION

Reports on Pre-Meeting Site Visits

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16/02277/FUL

The Britannia, 6 Eastern Esplanade

Milton Society have provided a further letter of objection stating:

“We are shocked and disappointed by the planning department’s recommendation that could see the demolition of one of the oldest Georgian buildings in Southend without this building having been inspected by an independent historical building expert.

You have relied on a motivated, building development application where the Heritage Statement is written by the project architect, not an historical building expert. Neither, with respect, do you have that expertise within the Council. We cannot understand how demolition can effectively be recommended without independent expertise?

We also note that you have not reported to Members the one expert report which has been before you and was specifically referred to in our representation - that of the Architectural History Practice which gives great detail on the architectural and historical significance of the building. Why have you denied this helpful report?

The reported opinion of Historic England is also disappointing as this is no more than a desk top study opinion based upon ‘pictures and plans’. The comments state that ‘...because of the extent of alteration, the Britannia Public House can’t be considered to be of national importance and it would not meet the criteria for listing’. However, national importance is just one of several statutory criteria for listing and the state of repair is expressly excluded from the test of special interest. This tends to undermine this desk top opinion which also conflicts with that of the Architectural History Practice, where considerable significance and original structural fabric is described. As we have also described, this fabric can also be seen in the applicant’s photographs, notwithstanding the evident loss of decorative fabric. Therefore, listing is not prohibited and could, on close analysis of the architectural and historic special interest, be found to be justified.

This historic building is in poor condition and therefore it was all the more important that a careful assessment by independent

expert should have been obtained. That this has not happened cannot be right for such an important part of our town's history.

We request that the above comments are made available to Members in a supplementary report.

By copy of this email, we hereby request that Members either refuse this application or defer, pending the commissioning of an independent, expert historical report. Such a report does not need to involve costly survey but a thorough observational opinion, including the upper parts which, mysteriously and as reported, were fully accessible to the applicant's structural engineer (and the earlier engineer and the architect) but somehow deemed not safe enough for Council officers. This fact in particular invites an independent report. This report would then allow fair consideration of the building's future.

We have elsewhere described our objections to this application and will not reiterate here.

However, finally and for the record we will just correct one excessive comment by the agent that you have published. The record will show that our Society did not suggest that the proposed building to the rear of the site is a 'carbuncle'. We did describe it as 'incongruous, with no contextual relationship' and 'novel for the sake of novelty', and in that regard it was in the same 'incongruous category' as the Essex University student housing building, which itself may have been a contender for 'Carbuncle of the Year'."

The applicant/agent has responded to the comments stating:

"Following the further representation sent to you and all members of the Committee regarding the Britannia Public House, we would make the following additional comments:

In relation to the request that all members are made available the information that the Conservation Society has expressed, clearly by copying in every member of the DCC that has been quite apparent.

The Architectural History Practice did indeed walk around the outside of the building and the ground floor but did not undertake a particularly detailed survey, which we have indeed carried out via Jag Manku a specialist conservation engineer.

It is worth noting that at the time the Architectural History Practice produced their report, this was in relation to the previous planning application to demolish the entirety of the building, which has since been withdrawn following further expert consultation.

In their report the Architectural History Practice were also of the opinion that there were too many alternations to support a statutory listing. Furthermore in 6.2 they suggested that it was possible to devise a scheme which preserved and enhanced

the heritage asset of the Britannia. The latest application is almost in complete compliance with the bullet points under 6.2 with the exception of the 1 ½ storey range to the rear, which is structurally unsound and from the specialist conservation engineers perspective not historically correct or original.

In relation to the retention of the front range, this is now being proposed. The removal of the rough cast render, repair of brickwork and a lime mortar render being replaced, is also part of the current proposal. The porch is being removed and the original entrance design reinstated. The unsympathetic modern windows and bays will be removed and replaced with multiple sash windows and we believe a suitable scaled enabling development has been developed to rear of the site to off-set the retention of the front and rear flank.

To further delay the application whilst additional specialist conservation reports are carried out, seems to be an unfair request and based on our previous response to the Conservation Society's representation we clearly have stated the position to the extent of relevant historic fabric that can be retained.

In relation to the loss of a Georgian building of course the building has not been lost. The areas that have been significantly changed, altered and removed are being demolished and reconstructed in a different format to that of the original building which has long since been taken away.

The main historic frontage is being retained and enhanced and this has been made quite clear through our previous representation and accompanying documentation this is the main substance of the historic structure. We also trust that our further representation will be made available for Members in the same way that the Society have asked.

We refer to the final paragraph of the Society's representation referring to carbuncle – this is certainly the way that the comments read whereby the suggestion that the University building was a carbuncle would apply to the design of the building being proposed to the rear of the Britannia. This is a matter of opinion and whilst novel for the sake of novelty, we would suggest that the whole of the Central Seafront and tourist offer is a novelty and why should we be afraid of this. Novelty has historical as well as architectural merit in terms of the offer and Heritage of Southend”.

A further letter of representation has been received from Milton Society Stating:

“Firstly we have consulted the eminent James Bettley, author of 'The Buildings of England' for Essex and Suffolk. He has said in writing that an unusual characteristic of the Britannia, likely to be rare in Southend, is its timber frame with three brick sides (front & flanks). This appears to be a reflection of the building's originally open position on the seafront where the

visual appearance of the side walls was of urban and civic importance. We are not aware of any other original example in Southend.

We have also been put in touch with Tim Howson, conservation officer, at Maldon District Council, by Anglia Ruskin University. This is our adjacent district with very many historic timber framed buildings. He also confirmed that 3 sided brick construction is very unusual and he could only recall one, rural example in the Maldon District.

This is significant for the Britannia which could be a very rare example of this form of construction, particularly at the British seafront.

Additionally we have contacted Historic England who have confirmed in writing that the advice given to you last August was only an informal opinion and not planning advice (please see email below of yesterday). Therefore the report to Members should be clarified to confirm this 'informal advice' from last August and not 'planning advice'. Historic England also confirm that they had not seen the AHP report which is clearly a material consideration and certainly could have influenced their advice to you.

All of this underpins the requirement for a considered inspection of the Britannia by an independent historical buildings expert, beyond your reliance on the application's own motivated and instructed reports.

We have already asked for refusal or deferral of the application and requested an independent expert opinion but in the light of this information it would appear appropriate that a building preservation notice is served to temporarily protect the building pending consideration of a listed building application. This will enable a fully detailed assessment to take place by Historic England so that any future development decision is based only upon as near historical certainty as possible. This will not stop future development but will ensure it is properly informed.

Please can this be put to Members.

Whilst writing we will just add responses to two of the agents comments on our earlier representation, that you have published, as follows:

"There are some original timbers; they are by no means extensive original timber framework. There are two walls that have some semblance of originality but can't be authenticated or dated as original"

This is incorrect. Original timbers (which appear to be far more intact than the agent claims) can successfully be identified by an appropriately qualified expert. That the applicant has not done this, indeed thinks it cannot be done, is exactly the point we raise in relation to the need for independent expert opinion.

"In relation to ducting and dormers the Conservation Society do not want the building to be altered in any shape or form, which would see the building fall into further disrepair and eventually collapse"

This is incorrect. We have simply pointed out that the proposed ducting has an undesirable impact on building entry for the intended residents and the proposed dormers are not appropriate as these do not exist on the historical building that the applicant is pretending will be retained. We did, in our first representation of 5th February, acknowledge the principle of an enabling development to the rear, the removal of extraneous and later rear additions and the general preservation of the historic building with a vibrant re-use, if not as a fish and chip restaurant. This is what will help to protect the Kursaal Conservation Area and the history of our seafront. We want to see a good, economically viable use to bring this site back to good use and the idea that this particular planning application is the only way forward is clearly wrong".

6.5 Historic England

Members should be aware the comments received from Historic England as detailed on page 94 are informal only and not binding. Formal comments from Historic England can only be obtained if a formal request to list the building is made or an application for a certificate of immunity is submitted by the developer.

Reports on Main Plans List

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16/01780/FULM

1307 London Road, Leigh-on-Sea, Essex, SS9 2AD

9.0 Recommendation

It is suggested that the recommendation is amended to include the following:

c) In the event that the planning obligation referred to in part (a) above has not been completed by 1st June 2017 the Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not provide for affordable housing. As such, the proposal would be contrary to Policies KP2, KP3, CP6 and CP8.

It is also suggest that the following conditions are added:

26. Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including

external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

27. Prior to the occupation of the flats hereby approved details of the proposed glazed screens shown on the roofspace shall be submitted and approved in writing by the Local Planning Authority. The screens and rooftop amenity area shall subsequently be installed/provided prior to the first occupation of any of the flats hereby approved and retained in perpetuity.

Reason: To safeguard the design and appearance of the building and the amenities of neighbouring residents and in the interest of the standard of accommodation and to ensure that satisfactory amenity space remains for the amenities of future occupiers, in accordance with Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide, 2009 (SPD1).

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17/00083/FUL

Essex Ambulance Station, 4-5 Victoria Business Park, Short Street, Southend-on-Sea, Essex, SS2 5BY

The agent has written a response to three points raised within the published officer's report as follows:

"In 1.2, "officers consider that the offices which would be used by a personal assistance company which books and receives calls for assistance to clients and patients offsite in their own home is an ancillary to the main use being D1."

On page 5 of our planning review it stated that Magnolia Care is a separate new organisation that will cater for a predominately different group of clients to those catered for by the day care centre and their use should not be considered as ancillary to the D1 use, but remain Class B1a as proposed. The report does not make this clear **[Officer Comment: Whilst officers accept Magnolia Care is a separate organisation both organisations are linked in terms of the use proposed]**

In 4.4, C i, it states “there is no long term or reasonable prospect of the site concerned being used for Class B purposes (2-year marketing exercise)”

In the letter from Ayers & Cruiks annexed to our planning review it details that the Ambulance Station has been marketed from September 2014, prior to it becoming vacant in early 2016. The property has been marketed for well over 2 years now with no success because of the very unusual design of the building that may only suit an Ambulance Station user or our proposal. The officer’s report at 4.8 does not make this clear.

In 4.4, C ii, it states “the alternative use cannot be reasonably located elsewhere within the area it serves”

[Officer Comment: The supporting information submitted with the application states the site has been marketed from September 2014, however officers undertook a site visit in March 2016 in relation to application 16/00366/FUL whereby the site was still being used for the ambulance station as shown in the photo below. Whilst the applicant may have marketed the site it has not been vacant for two years and application 16/00366/FUL sought planning permission to provide a mix of Class B1, B2 and B8 application 16/00366/FUL dated 10th May 2016. It should also be noted policy DM11 part A of appendix 4 states “Marketing evidence requires demonstration of an active marketing campaign for a continuous 2 year period, whilst the premises were vacant, which has shown to be unsuccessful”].



In the letter from Ayers & Cruiks annexed to our planning review it details that Eco Wings approached them in May 2016 to find suitable premises. The officers report at makes no mention of this. Eco Wings have been looking for suitable properties for well over two years prior to specifically asking Ayers & Cruiks to search without success.

It appears that in the information that would have been sent to the councillors for their consideration of this application, the

Dovetail presentation was not attached and feel this would be ideal for them to refer to, as this provides a more in depth understanding of what Eco Wings achieves in the Borough
[Officer Comment: Full details of the planning application have been made readily available for members of the committee via public access].

In this respect we believe Eco Wings will send a copy of the presentation to each of the councillors on the planning committee
[Officer Comment: All full details of the planning application have been made readily available for members of the committee via public access].

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17/00110/FUL

1 Hobleythick Lane, Westcliff-On-Sea, Essex, SS0 0RP

The Proposal

1.5 The applicant has submitted additional information regarding the proposed use of the property. It is stated that the property would provide a needed education facility for students from reception to A levels on Mondays, Tuesdays and Fridays between 3pm and 8pm and on Sundays between 8am to 3pm. The property would also operate for staff and administrative work between 8am to 3pm. The applicant has confirmed that the proposed use would create 8 jobs.

[Officer comment: With regard to the principle of the development, although the applicant suggests that the proposed education use is needed in the area, no evidence, such as the number of students within the surrounding area and the location of other similar education centres, has been submitted to demonstrate this need and therefore, the objection raised in relation to the loss of the existing family house still extant.

With respect to noise levels and activity on site, the applicant confirmed that the property would be used for pupils at levels between reception and A levels, in hours and days which overlap and conflict with the hours that residential units are normally used, such as hours after 6 o'clock during working days and early morning hours on Sundays. Furthermore, the applicant confirmed that the education facility would be used for pupils at a very young age, such as 4-year-olds. It is considered that the levels of activity and noise generated by pupils at this age is significantly higher compared to residential uses. Therefore, it is considered that the additional information submitted regarding the use of the property cannot overcome the objection raised regarding the undue noise and disturbance to the adjoining occupiers.]

1.6 In response to the loss of the valuable and much needed dwelling, the applicant states that the property has been viewed in excess of 30 people the last three months and by reason of its location, no one was interested in occupying the property as a dwelling.

[Officer comment: No evidence has been submitted to prove the abovementioned viewings or the price that the property was marketed and thus, it is considered that the applicant's statement is insufficient to demonstrate the loss of the needed family house.]

7.0 Representation Summary

Environmental Health

7.6 No objection raised in the principle of development. Should permission be granted, demolition and construction hours would have been conditioned.

**Page 347
17/00041/FUL**

3 Thorpe Bay Gardens, Thorpe Bay, Essex, SS1 3NS

7.0 Public Notification

7.1 One additional representation has been received in relation to the proposal at 3 Thorpe Bay Gardens raising concerns regarding the use of the rear outbuilding for residential purposes. **[Officer comment: It is noted that the outbuilding is already used for purposes other than garage only. Furthermore, a condition to retain the incidental use of the building to the main dwelling at 3 Thorpe Bay Gardens has been imposed.]**

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