

Reference:	17/00248/BC4M
Ward:	Leigh
Proposal:	Relocate existing storage containers, erect marine workshop and extend timber fence (Retrospective)
Address:	Theobalds Wharf, Alley Dock, Leigh-on-Sea, Essex, SS9 2EN
Applicant:	Mr Sedgewick
Agent:	SK Architects
Consultation Expiry:	30.03.2017
Expiry Date:	30.05.2017
Case Officer:	Janine Rowley
Plan Nos:	89-03-11 P01-Site and block plans Revision B; 89-03-11 P02 Previous General Arrangement plan and elevations; 89-03-11 P03 Existing plans and elevations; 89-03-11 P04-Photos of previous and existing arrangement; 89-03-11 P05-Relocated container Revision B; 890311 P06 Revision B New workshop
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to retain an existing storage container and marine workshop and for the extension of the existing timber fence (works have been carried out). The building has been constructed in place of existing storage containers and racks within the existing boatyard. This application has been submitted following an enforcement investigation (reference 17/00022/UNAC_C).
- 1.2 The container has been resited within the existing yard, to the north west of the new building in front of existing workshop buildings. The container is 2.4m deep x 7.5m wide x 2.2m high. The marine workshop installed in the southeast corner of the site is 4.75m high x 6.1m wide x 11.9m deep with a pitched roof.
- 1.3 The 'marine workshop' building is constructed from corrugated metal to the walls painted mid grey. The roof is not yet complete but will be constructed from a corrugated metal sheet roof and roller shutters are proposed to the front elevation also in mid grey. The existing timber fence has been extended along the sea wall on the eastern boundary of the site, and is painted black.
- 1.4 The application is accompanied by a Design and Access Statement including a Heritage and Planning statement and Flood Risk Assessment.
- 1.5 The Design and Access Statement accompanying this application states that the new development is needed in order to continued growth of the boatyard business. It also specifies that the pre-fabricated building installed will improve the existing situation on site with the removal of containers and racks and enable additional indoor work all year round.

2 Site and Surroundings

- 2.1 The site is located within Leigh Conservation Area to the rear of the High Street on Theobalds Wharf. The existing site is currently used as a boat yard and includes a number of containers and associated storage, that does not benefit from planning permission. To the north of the site is Alley Dock and associated storage with the boatyard. To the east of the site is Strand Wharf.
- 2.2 This part of the Leigh Old Town Conservation Area has a close knit domestic scale in the High Street to the north of the site together with associated commercial premises for the boatyard. The existing buildings within the boatyard, with the exception of the recently constructed 'marine workshop' are mainly visible from the east with views from the Strand and west of the site on the approach from a public house (the Peterboat).
- 2.3 The site is located within seafront character zone 2 as designated by policy DM6 of the Development Management Document DPD2.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are, whether the proposal is acceptable in terms of the principle of development, design and impact on character of the area and in particular the Old Leigh Conservation Area, traffic and transportation issues, impact on residential amenity and sustainable construction, flood risk, ecological implications and CIL requirements.

4 Appraisal

Principle of Development

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2017 policies KP1, KP2, CP1, CP4; Development Plan Document 2 (Development Management) 2015 policies DM1, DM3, DM5, DM6, DM10, DM11 and the Design and Townscape Guide SPD1 (2009)

- 4.1 The proposal is considered in the context of the aforementioned policies that seek to support new development subject to it respecting the existing character and appearance of the surrounding area and foreshore views.
- 4.2 The seafront character zone 2 as set out by Policy DM6 of the Development Management Document between Leigh Port and Old town states:

Development Principles

“(i) To maintain a thriving fisheries and working port by resisting the loss of existing marine industrial activities.

(ii) To enhance the leisure and tourism offer, but in a manner that does not compromise the marine industrial activities and character of Leigh Old Town.

(iii) To preserve and enhance the special character of Leigh Old Town Conservation Area.

(iv) Measures that maintain an appropriate balance between the working port and leisure and tourism activities, when considered in conjunction with points 2(i), 2(ii) and 2(iii) will be supported”.

- 4.3 The applicant has explained how retention of the workshop building and resiting of the existing container will help contribute to maintaining a working port in this location. The workshop will enable general use for marine trade, including housing boats for maintenance and repair or boat construction, that need protection given the site is extremely exposed. Furthermore the proposal would not affect the openness of the estuary. The proposal is in accordance with Policy DM6 of the Development Management Document which states: *“Development within or near the Seafront Area must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches”.*
- 4.4 In light of the above, the development on site is not objected to in principle subject to the other detailed considerations discussed below.

Biodiversity and nature conservation

National Planning Policy Framework, DPD1 (Core Strategy) Policies KP1 and KP2 and CP4; DPD2 (Development Management) policies DM1, DM6

- 4.5 The application site is located directly adjacent to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). The building would be located on an existing hardstanding area on the wharf, where existing single storey buildings have been previously sited. Whilst the proposal will increase the footprint including height and overall massing it will not encroach on the foreshore. Activities that would be associated with it are similar to those already carried out on site and therefore unlikely to have a greater impact. The Environment Agency has not objected to the proposal on biodiversity or nature conservation grounds.

Design and impact on the Conservation Area

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2007 policies KP1, KP2, CP4; Development Plan Document 2 (Development Management Document) 2015 policies DM1, DM3, DM5, DM6 and Design and Townscape Guide SPD1.

- 4.6 The site is located within Old Leigh Conservation as set out by policy DM5 of the Development Management Document, which states:

“All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value”.

- 4.7 The proposal includes the retention of the existing workshop and containers. It is not considered that the proposed development will have an adverse impact on the historic environment of Old Leigh and as set out above are in accordance with the objectives of policy DM6 of the Development Management seeking to retain such uses associated with fisheries and marine activities.
- 4.8 The proposal is to resite the existing container from the south east corner of the existing boatyard to the northwest in front of existing storage buildings on site. The existing container on site is 2.4m deep x 7.5m wide x 2.2m high and the marine workshop constructed is 4.75m high x 6.1m wide x 11.9m deep with a pitched roof.
- 4.9 No objections are raised to the resiting of the existing container, which is not visible from the street. The building constructed to the south east corner of the site is significantly greater in scale than the existing container which it replaced and will be visible from the High Street to the north east and the Strand to the east. However, taking into account the overall appearance of the boatyard prior to construction of the new structure (as shown on drawing 89-03011 Revision P04) when the site appeared cluttered and failed to preserve the historic environment it is not now considered to be out of keeping with the surrounding areas. It is also noted that there are a number of similar scaled structures in the vicinity of the surrounding area. The building provides an overall enhancement to the character and appearance of the area, with particular reference the removal of substantial clutter. No objections are raised to the extended fence.

It is therefore considered that, given the open character of the area, extensive views of the estuary will still be possible between the buildings and the impact on the foreshore views the proposal will not have a detrimental impact on the character of this section of the conservation area.

- 4.10 In terms of design detail, the building is a simple pitched roof structure constructed from a steel frame with a blockwork upstand. The roof and doors have yet to be installed. The materials include corrugated sheet painted blue to the roof and grey to the walls, which will not appear out of keeping with existing workshops and the surrounding area. Subject to appropriate conditions, no objection is raised on design grounds.
- 4.11 In light of the above, it is considered that the development by reason of its siting, design, scale and materials provides a positive addition enhancing the overall character of the conservation area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3, DM5 and DM6 of the Development Management Document and the Design and Townscape Guide.

Traffic and transportation

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2007 policies KP2, CP3; Development Plan Document 2 (Development Management) 2015 policies DM3, DM15 and the Design and Townscape Guide 2009.

- 4.12 The site is located within close proximity to the coastal footpath, national seafront sustrans cycle route and within walking distance to Leigh Station and public transport. The existing vehicle access to the boat yard will remain as existing, and has sufficient space to enable vehicles to park when delivering or visiting the site. Policy DM15 of the Development Management Document states that 1 space per 50sqm for the B2 use is required. The floorspace created equates to 34sqm, however taking into account the existing use and sustainable location of the site, it is not considered that an additional space is required in this instance and therefore no additional parking spaces are required.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management) policies DM1 and DM3, Design and Townscape Guide.

- 4.13 Policies DM1 of the Development Management DPD and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight.

A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. DM DPD1, policy DM1 requires that all development should (inter alia):

“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”

- 4.14 The structure is located 18m-22m away from the nearest residential property to the north of the site. It is not considered the development will result in noise and disturbance and will enhance any amenities to nearby residential occupiers given the building is covered and activities will be similar to those which already take place on site. Furthermore, the proposal would not have a material adverse impact on the amenities of nearby occupiers, particularly taking into account the nearby public houses and restaurants and general activity already taking place within the vicinity of Old Leigh High Street.
- 4.15 Therefore, it is not considered the proposed development will have a detrimental impact on the amenities of nearby residents within the High Street, and the development is therefore policy compliant with policy CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document.

Sustainable Construction

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2007 policies KP2 and CP4; Development Plan Document 2 (Development Management) 2015 policies DM1, DM5, DM6 and the Design and Townscape Guide SPD1 (2009)

- 4.16 Policy KP2 of the Core Strategy states at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. In this instance, taking into account the historic nature of the surrounding environment it is not considered appropriate to mount renewable energy technology such as photovoltaics on the roof as they would be very prominent within the Old Leigh Conservation Area particularly when viewed from east of the site, which is a key viewpoint. The applicant has confirmed the building will not be heated and so carbon emissions would be limited.
- 4.17 On balance it is therefore considered on balance taking into account the location of the site within Old Leigh it is considered justified given that renewable energy technologies are not required in this instance.

Flood Risk

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP1 and KP2

- 4.18 The site lies within flood zone 3b. Indicative flood maps from the Environment Agency have defined the area, which could be potentially be affected by flooding from the sea. Policy KP1 of the Core Strategy advocates the need to enhance the seafront by providing a successful leisure and tourist attraction and place to live, make the best use of the River Thames, subject to safeguarding of the biodiversity of the foreshore.
- 4.19 The proposal is to retrospectively relocate existing storage containers, erect a marine workshop/storage area and extend a timber fence which is classed as a less vulnerable development by the Environment Agency. No objections have been raised subject to a condition being imposed to ensure an emergency flood plan is submitted and agreed in writing by the local planning authority. This will be dealt with by condition. The proposal in flood risk terms is therefore considered acceptable and the proposed development meets the requirements of the NPPF and policies KP1 and KP2 of the Core Strategy.

Community Infrastructure Levy

- 4.20 The proposed building equates to less than 100sqm of new floorspace that benefits from minor development exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Conclusion

- 4.21 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed development will be continued to be used for a port activity associated with the fishing industry and will preserve the overall character and appearance of Old Leigh Conservation Area. The application is therefore recommended for approval subject to conditions.

Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Promotion), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Plan Document 2: Development Management 2015 policies DM1 (Design Quality), DM2 (Low carbon and efficient use of resources), DM3 (Efficient and Effective use of land), DM5 (Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management)

- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Community Infrastructure Levy Charging Schedule

6 Representation Summary

Design and Regeneration

- 6.1 The marine industries are part of the character of Leigh Old Town Conservation Area so in principle this use should be supported, however, there is a concern regarding the amount of clutter and containers on this site and the impact this is having on the character of the conservation area. Therefore, whilst the shed can be supported there is concern regarding the siting of the white container in particular which is very prominent in the streetscene. It is noted that the design statement, application form and covering letter all mention that this is a replacement for containers but the plans do not seem to show this. The applicant should be asked to considered removing this or at least re-siting of the white container to a less prominent location and whether any other improvements can be made to the site such as boundary improvements or rationalisation of other containers or buildings.

With regard to the shed itself the colours will need to be clarified – noted as grey walls and blue roof on the application form. It is advised that the proposal draw reference from others in the area.

[Officer Comment: The applicant has provided amended drawings resiting the container and additional information in relation to the materials P06 Revision A and 890311 Views Revision A. These have addressed the initial concerns raised in full].

Traffic and Transportation

- 6.2 No objections.

Asset Management

- 6.3 No comments received.

Environment Agency

- 6.4 The site lies within tidal Flood Zone 3a, the high probability zone. The proposal is to retrospectively relocate existing storage containers, erect a marine workshop/storage area and extend a timber fence which is classed as a less vulnerable development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

As the site already exists fundamentally, the flood hazard that may affect the existing development has not increased. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise you to formally consider the emergency planning and rescue implications when making your decisions.

□ It should be ensured that storage containers/sheds are securely anchored to the ground to ensure that they will remain in position throughout any flood event
[Officer Comment: An informative will be added].

Flood Warning Advice

We recommend that the occupants or owners of the units are registered with our free Flood Warning service, Floodline Warnings Direct, and expect the site owner to have suitable emergency plans in place to safely evacuate the occupants on the direction of police and local authorities. We endeavour to issue tidal flood warnings 10 to 12 hours in advance of the problem tide and it would be safer and more efficient to plan to evacuate the site on receipt of a severe flood warning.

Emergency Flood Plan

You are the competent authority on matters of evacuation or rescue, and therefore should assess the adequacy of the evacuation arrangements, including the safety of the route of access/egress from the site in a flood event or information in relation to signage, underwater hazards or any other particular requirements. You should consult your emergency planners as you make this assessment.

You should be satisfied with any emergency flood plan submitted and find it adequate for the purposes of the local authority flood plan (for example, possible rescue of inhabitants during a flood, temporary accommodation whilst flood waters subside and properties are uninhabitable).

[Officer Comment: A condition will be imposed to ensure full details of an emergency flood plan are submitted to and agreed by the local planning authority].

Leigh Town Council

6.5 No objection.

Leigh Society

6.6 No comments received.

Public Consultation

6.7 A site notice displayed and 9th March 2017 and 4 neighbours notified of the proposal. One letter of representation has been received stating;

- This is a misleading application as the purpose is for a separate business not as a warehouse for the existing Mikes Boatyard;
- There are too many heavy lorries in Old Leigh which are a danger to the public and all. Also the road is not meant for such heavy Lorries as it has already sunken and been badly damaged in area especially Strand Wharf, so allowing more usage will increase problems.
- The view will be obscured by this warehouse and it will add nothing to the Old Town

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case

[Officer Comment: The applicant has provided comment upon the objection above stating:

"1. With regards to Objector's comments of alleged storage warehouse, the main use of the new building will be a marine workshop with a small storage element from time to time. This has never been misleading and the Objector is well aware of this position. The building was described as a store only initially but was very quickly changed. We also remind the Objector that the notices issued by the Council described the building as a workshop.

2. The workshop building will be used by our Client and his two sons. It will not be used solely by his son Timothy. Our Client clarified this at a Leigh Town Council's meeting for Old Leigh at Christmas 2015. He noted that there would be increased activity on his wharf from time to time as they were undertaking a greater volume of work for local boats and firms operating in London on the Thames. He also noted that it would be Timothy carrying out the work for clients of the family. However, this changed as it was decided that the new workshop would be for general use for the marine trade, including housing boats for maintenance and repair or items that needed to be built that couldn't be finished in one day. Obviously this work needs protection as the site is extremely exposed.

3. The new workshop will be used for storage from time to time as Mike's Boatyard is due to have a project at the end of Southend Pier that will facilitate some contractors' storage. They are also considering taking stores to ships moored off of Southend necessitating some 10 -15 pallets to be stored undercover.

4. With regards to lorry traffic in Old Leigh. There are lorries up and down all day every day: Artics and Rigid for fishermen, public houses and other businesses, including ours, in the Old Town. In 1984 rebuilding of flood defences in the Old Leigh Town undertaken by Southend Borough Council as agents for Anglian Water Authority, the facility to back Artics into our Client's wharf was taken away. Anyone now coming to Mike's Boatyard can only deliver with a rigid lorry. Our Client's contribution to the use of the road is therefore minimal.

5. Mike's Boatyard is the only firm that supervises their delivery lorries, and this type of activities is minimal. If a lorry comes to the yard there is always someone in attendance as their operatives are very aware of people walking around in Old Leigh. None of the other firms in Old Leigh have anyone in attendance.

6. Our Client also confirms that traffic to and from Mike's Boatyard did slightly increase last year with no intention to increase any further. However, it is worth noting that traffic in Old Leigh will increase anyway as cockling season will commence soon.

7. With regards to the damage to the road in the Old Town. This is a general problem throughout the High Street where there are cobblestones. All new drains in the road and various other services were re-laid as a part of the flood defence work in 1984.

Therefore over the years drains have had to be taken up and re-laid in certain areas, the whole length of the High Street have become uneven, particularly near manholes. Bearing in mind that Old Leigh is very low, all the surface water from the whole of Leigh and surrounding areas finishes up in the Old Town.

8. *With regards to the street view, the new marine workshop is only 300mm/1 foot higher than the old containers with all the fishermen gear on top. The building is further to the north although where there was no public view anyway. There will still be a very good view from Strand Wharf and the High Street.*

9. *Our Client Colin Sedgwick the Managing Director of Mikes Boatyard Limited assures the Council that himself, his two sons and anyone that undertakes works for them will always do their utmost to help Southend Borough Council, their customers, residents , visitors to Old Leigh, and they will always consider the environment and people].*

7 Relevant Planning History

7.1 New building without planning permission- Subject of this planning application (17/00022/UNAU_C)

8 Recommendation

8.1 Members recommended to GRANT PLANNING PERMISSION subject to the following reasons:

01 The development hereby permitted shall be carried out in accordance with the approved plans 89-03-11 P01-Site and block plans Revision B; 89-03-11 P02 Previous General Arrangement plan and elevations; 89-03-11 P03 Existing plans and elevations; 89-03-11 P04-Photos of previous and existing arrangement; 89-03-11 P05-Relocated container Revision B; 890311 P06 Revision B New workshop.

Reason: To ensure that the development is carried out in accordance with the development plan.

02 Within one month of the date of this permission details of materials to be used on the external elevations of the marine workshop and fence shall have been submitted to and approved in writing by the local planning authority. The works must then be carried out only in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of Old Leigh Conservation Area. This is as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

03 Within one month of the date of this permission hereby permitted a 'Flood Evacuation and Warning Plan' shall be submitted to and agreed in writing by the local planning authority. The site shall be managed and occupied in full accordance with the approved plan thereafter.

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informative

- 01 You are advised that as the proposed alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.
- 02 It should be ensured that storage containers/sheds are securely anchored to the ground to ensure that they will remain in position throughout any flood event to ensure compliance with the Environment Agency.